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ABSTRACT

This manual is intended to serve as a resource book for law professors and program directors who would like to conduct a program for teaching law students to instruct the public in their areas of the law. Over 30 law schools nationwide offer credit or compensation to law students to teach in the community, primarily in high schools, but also in middle schools, prisons, and community organizations. Although based predominantly on the "Street Law" textbook, the programs may differ substantially from each other. For this reason, the manual is illustrative and does not suggest a single right way to conduct a program. The seven chapters of the manual cover key issues for street law programs, their basic features, the rationale for the programs, their structures, instructions for law students, evaluations of the instructors, and the administration of the programs. In the appendices, the manual presents detailed descriptions of several law school programs, sample syllabi for a law school seminar, lesson plans for a seminar, materials for use in instructing law students to teach, lesson plans that the law students may employ, and several lists of teaching resources. Emphasizing the several strategies that have proven successful, the manual provides an overview of the different models followed by law schools at Georgetown University, Temple University, and the University of Tennessee. (JD)

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A MANUAL FOR
TEACHING LAW STUDENTS TO TEACH LAW

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A MANUAL FOR TEACHING LAW STUDENTS TO TEACH LAW

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INTRODUCTION

The National Institute for Citizen Education in the Law is pleased to publish this manual for use by law school personnel who are interested in teaching law to laypeople. The manual was commissioned by NICEL as part of our effort to assist law schools nationwide which either already have programs where law students receive academic credit or are considering initiating such programs.

The first program of this kind was the Street Law Program which began at Georgetown University Law Center in 1972. Originally conceived as a clinical program at Georgetown in which law students taught practical law in the public high schools and prisons of the District of Columbia, the program has expanded to more than 35 law schools throughout the United States, to high schools in every state, and in the last few years, to law school-high school partnerships in South Africa, the Philippines and other countries. As the initial Georgetown program expanded, the National Institute for Citizen Education in the Law (NICEL) was founded in 1975.

While NICEL is involved in an increasingly diverse series of law-related education activities, the law school-based programs still lie at the heart of our programmatic efforts. An amazing number of early Street Law programs at other law schools are still in existence and the material in this manual is the result of the outstanding work which has been done by law professors and others at those law schools.

As the inside cover page listing all the authors attests, this manual was truly a collaborative effort. The principal effort in putting this project together was spearheaded by Margaret Fisher of the University of Puget Sound's Institute for Citizen Education in the Law. Margaret showed great perseverance in tracking down the sometimes elusive law school project directors, designed the manual and wrote many of its key sections. Credit for the manual's final organization goes to Grayfred Gray of the University of Tennessee's School of Law who labored long and hard and made substantial improvements to earlier drafts.

Our thanks also go to Charlotte Melichar who made the final wordprocessing changes and Sherri Singleton who put the manual together into these binders.

Those of us here at NICEL stand ready to assist any law school dean, law professor or law student interested in exploring the idea of beginning a program where law students teach law in their area high schools or prisons. Those interested should contact us at:

NICEL
711 G Street N.W.
Washington, D.C. 20003
Phone: (202) 546-6644
Fax: (202) 546-6649

By now thousands of law students have taught in the law school programs over the years,and it is our hope that many more will continue to do so in the years to come. This manual will hopefully make the job of those who run these programs a little bit easier.

Lee Arbetman
Ed O'Brien

January, 1991

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Preface

This manual has been written to provide all the necessary information and skills to conduct a successful law school program in which law student instructors teach law. The material has been selected for law professors and program directors who conduct or are about to conduct a program teaching law student instructors to instruct others. However, the information is likely to be useful for others conducting law classes.

In 1990, in the United States, there were more than thirty law schools which offered credit or compensation to law students to teach in the community, primarily in high schools, but also in middle schools, prisons, and community organizations. A few of these law school programs date back to the mid-1970's, while others are just starting.

A majority of these programs are based on the Street Law model established at the Georgetown University Law Center and fostered by the National Institute for Citizen Education in the Law. Their text, Street Law: A Course in Practical Law, is also used in a majority of the programs (West, 4th ed., 1990). The term "Street Law" is used throughout this manual to refer to such programs in which law students teach a practical law course to people who are not enrolled in the law school. Most of the programs are called "Street Law," but others which use Street Law are known by other names. For instance, the St. Louis University School of Law runs the "You and the Law" program using Street Law.

At the biennial Street Law Directors Conference in the Fall of 1987, participants discussed the need for a textbook or manual for professors who conduct such programs. The material was to be useful to those who are just starting out and for those who are experienced in teaching such courses. With this in mind, a collaborative effort was envisioned in which many law school instructors would contribute assigned sections to a text addressing the content and methods of such a course along with descriptions of the variety of programs that exist.

A preliminary Table of Contents for the book was drafted and circulated to professors and directors of law school programs. Telephone contact was made with most law school instructors and materials were submitted. After reviewing the materials and suggestions, the editor circulated a second revised table of contents, this time with specific assignments for a variety of individuals.

In addition to the materials submitted by the authors and the materials in the appendices, written program descriptions from Judge Judy Billings of the University of Utah College of Law and Professor Susan Clarke of St. Louis University Law School made it possible to extract information for inclusion in this manual. Descriptions of a variety of program components have also been included based on information culled through telephone contact.

Margaret E. Armancas-Fisher,
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Citizen Education in the Law

A MANUAL FOR TEACHING LAW STUDENTS TO TEACH LAW

USING THIS MANUAL

Scope Note: This is a short piece to enable the reader to use the manual efficiently. It introduces important terms for keeping references to cooperating teachers, students, and schools straight.

This manual has been designed as a resource book for those who teach law school courses in Street Law programs at law schools or direct such programs. Because there are many differences among the programs, the manual is illustrative, not exhaustive, and does not suggest a single right way to conduct a Street Law program.

The manual is meant to be immediately useful, although the user will find many pieces that are missing or written up only briefly. The Table of Contents is an organizational framework for material that users can write or acquire from other sources as well as those which come with the manual. Consequently there are Table of Contents headings which are shown as "Reserved." Such headings reserve a place for extensive discussion of the topic. Most such matters are discussed at least briefly in portions of the manual which have been written.

Each chapter has a Scope sentence which overviews its contents and may direct the user elsewhere for subjects which are related but not in the chapter.

Each section which has been written starts on a new page, and page numbering in each section which has been written begins with the section number followed by a hyphenated number 1 to facilitate insertion of replacements and later materials. For example, "Page 2.1.3--5" is the fifth page of Section 2.1.3. Since only those which have been written are numbered, there are gaps in the numbering. Similarly, pages in the appendices are numbered, for example, "App. C1--1," which is the first page of appendix entry C1.

All footnotes are placed in endnotes after the section to which they apply.

Much of the manual consists of checklists and samples on the assumption that these will facilitate the work of those for whom the manual has been prepared.

Street Law programs involve multiple levels of teachers, students, and classes. The programs are set up in different ways. This creates a fertile ground for confusion. In an effort to minimize such confusion certain terms are used consistently through the body of the manual as related below. Because the contents of the Appendix were not written for the manual, the terms may not be used the same ways there.

In the body of the manual, unless the context requires otherwise, the following terms have the meanings stated:

Cooperating teacher -- a teacher of the final learners who works with a law student instructor in a supportive professional relationship.

Professor -- the teacher of the law school seminar preparing law student instructors who will teach the final learners. "Professor" also refers to the person who directs the program if one person performs both functions.

Program director -- the person who directs the law school program if that person is not the teacher of the law school seminar.

LRE -- law-related education

School -- a high school or other organization of whatever kind for whom law student instructors teach a Street Law class.

Seminar -- the law school course or class in which the law student instructors are prepared to teach their students.

Street Law class -- the class taught by the law student instructors.

Street Law program -- a law school program composed of (1) a seminar to prepare student instructors to teach a Street Law class; (2) the student instructors' teaching of a Street Law Class; and (3) in some instances, supervision of the law student instructor by the law professor and/or program director.

Student -- a student, other than one pursuing a law degree, who is taught by a law student instructor.

Student instructor -- a law school student who is in the seminar and teaches a Street Law class.

Grayfred B. Gray
University of Tennessee
College of Law

November, 1990

A MANUAL FOR TEACHING LAW STUDENTS TO TEACH LAW

Chapter 1. A FEW OF THE KEY ISSUES FOR LAW SCHOOL STREET LAW PROGRAMS

Scope Note: A brief survey of issues in setting up or operating a Street Law program.

Part 1.1 Essential Characteristics (GBG)

The kind of Street Law program for which this manual is intended to be helpful generally has the following features:

(1) A law school sponsors the program;

(2) Student instructors are taught to teach a course in practical law to students who are not pursuing a J.D. degree, e.g., secondary school students, adults from the community, or residents of an institution; and

(3) The program operates either to develop the professional knowledge, skills, and attitudes of the student instructors or to provide a public service or both.

This chapter lists key issues in setting up and operating such a program.

While Street Law programs vary widely in their legal content, there is a central thread of commitment to the use of teaching methods which produce active, student-centered classrooms both for student instructors and for those they teach. Almost every issue one deals with in operating or establishing a Street Law program relates to the central importance of using such methods successfully.

Part 1.2 Key Issues (GBG)

A. Which of the rationales for having a program at the law school are the basis for the program? See generally Chapter 3.

B. What is the structure of the law school program which prepares the student instructors to teach? See generally Chapter 4 for options, Chapter 5 for details on teaching student instructors. Questions include:

1. Whose approval at the law school is required? Dean's? Committees'? Faculty's?
2. Credit or pay? How graded?
3. Who teaches the seminar?
4. What is the subject matter of the seminar?
5. How many hours of instruction are provided the student instructors? When is it provided?
6. How many student instructors are enrolled?
7. How many schools or classes do they teach in?
8. If student instructors teach in teams, are they with student instructors or cooperating teachers or both?
9. What staff resources does the program require, and where do they come from?
10. Who directs the program at the law school?

C. How is the program funded? Law school funds or outside funds? See Chapter 4 and Section 7.1.4 et seq.

D. What relationship is there with the schools? See Chapter 4 on questions such as:

1. How does the Street Law class in the school relate to the rest of the school's curriculum? Part of a course or a full course? Elective or required? See Sections 4.2.1.1 and 4.2.1.2.
2. Are the students from all schools taught the same subjects? What are the subjects?

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3. What is the source of text books and other materials? How are they obtained?
4. How are the law school and other school calendars coordinated?

E. How is the program evaluated? See Chapter 6 on questions such as:

1. How is a student instructor's teaching evaluated? See Part 6.1.
2. How is a cooperating teacher evaluated?
3. How is the seminar evaluated?
4. How is the field supervision of the student instructors evaluated?
5. How is the administration of the program evaluated?

Chapter 2. A Brief Overview of Features of Street Law Programs

Scope Note: Describes characteristics of effective Street Law Programs and distinguishes several different program models.

Part 2.1 Characteristics of Effective Street Law Programs (GBG)

An effective Street Law program:

(1) Develops in its student instructors professional skills, attitudes, and knowledge which are vital for the practice of law by having them teach law to lay students.

(2) Provides an empowering practical law course to the students who are taught by the student instructors.

To make such a program effective for student instructors requires that the law school ensure that the student instructors' teaching is effective. A national study done in 1981-83 revealed six characteristics of law-related education (LRE) courses which tend to prevent delinquency among students in the courses.[1] The study included Street Law courses in high schools.

Many LRE professionals believe the characteristics signal an effective LRE course from the standpoint of gains in student knowledge about the law, development of citizenship competencies, and cultivation of positive student attitudes toward the legal system.

The characteristics of the effective courses in the study were:

(1) Use of teaching strategies that foster true interaction and joint work among students.

(2) Judicious selection and presentation of illustrative case materials.

(3) Provision of sufficient quantity and quality of instruction.

(4) Adequate preparation and use of outside resource persons.

(5) Availability and use by teachers of professional peer support.

(6) Active involvement of school building administrators.

To enable student instructors to teach effective LRE courses the Street Law program needs to have:

(1) A seminar for the student instructors which has all the characteristics of effective LRE courses. Thus, the seminar must model instructional methods which foster an active, student-centered class and promote development of the professional skills, knowledge, and attitudes required for student instructors to be effective teachers.

(2) Effective methods of preparing student instructors in the substance of the practical law they will be teach.

(3) Adequate instructional materials and equipment for both the seminar and the Street Law classes.

(4) An effective working relationship between the law school and administrators and teachers of the schools whose students are to be taught by student instructors.

(5) A regular process of evaluation of performance of the program: student instructors, students being taught Street Law, cooperating teachers, professors, and program administration.

(6) Adequate planning by the law school and the schools whose students are taught the Street Law class.

Endnotes

1. "Law-related Education Evaluation Project Final Report, Phases II, Year 3," submitted by the Social Science Education Consortium and the Center for Action Research to the National Institute for Juvenile Justice and Delinquency Prevention, June 6, 1984.

Part 2.2 Different Models of Street Law Programs (GBG)

The program models described below were chosen because they represent differences in major dimensions of the program. With the advent of programs outside the United States in South Africa, the Philippines, and Lesotho there comes greater variety.

2.2.1 Georgetown University School of Law (GBG)

The Street Law Program at Georgetown, the parent of all of them, is based in a year long clinical course for which student instructors teach law in the District of Columbia schools with regular classroom teachers. See a detailed description in Appendix A5. There is also a one semester Corrections clinic for which students teach in teams. Each student instructor or team is responsible for teaching a one hour class three days a week. The content of the seminar focuses on substantive law and teaching methods. See the syllabi in Appendix B1. The student instructors for the D.C. schools teach four subjects in the text Street Law and coach a student team for the mock trial competition. The student instructors receive graded academic credit.

2.2.2 Temple University School of Law (GBG)

The program at Temple is known as Law, Education and Participation (LEAP). The student instructors teach law during the academic year in Philadelphia and are trained by the LEAP staff which includes Student Directors who have taught in the program previously. See Section 3.3.1, infra. The distinctive feature of this 15 year old program is the fact that the student instructors are paid and receive no academic credit. The student instructors teach with regular classroom teachers twice a week in ten week long courses.

2.2.3 University of Tennessee College of Law (GBG)

The Street Law Program at the University of Tennessee is based on a semester long course named Teaching Clients the Law. See a detailed description in Appendix A4. The distinctive features of the program are that the student instructors teach at the law school and that the seminar is focused squarely on the parallels between teaching and the practice of law. See the syllabi in Appendix B2; see also Appendix A2 describing the U.C.L.A. seminar which has a similar focus. The high school students come to the law school for the course without academic credit for six evening classes of three hours each. The student instructors co-teach Tennessee Family Law in teams of two without a regular classroom teacher. They are not involved with the interscholastic mock trial competition which occurs in the second semester. The student instructors receive graded academic credit.

Chapter 3. RATIONALE FOR HAVING A STREET LAW PROGRAM

Scope Note: Discussion of the benefits of Street Law Program for law students, law schools and universities, and the students, teachers, and administrators of other schools and their communities. See also Sec. 4.2.2.2.

Part 3.1 Rationales Based on Goals of the Law School

3.1.1 How Street Law Results in Professional Development of Student Instructors (PBB)

The primary reason to teach Street law is the opportunity to boost the professional development of student instructors. There are other compelling reasons -- to provide useful information to high school students and perhaps instill in some of them an increased commitment to learning. But from law schools' perspective, benefitting high school students is a public service goal only tangentially related to law schools' mission of training lawyers.

Secondly, teaching law to high school students undoubtedly increases student instructors' knowledge of whatever substantive areas they teach. But surely there are cheaper ways, both in terms of financial costs to law schools and time commitment costs to law students, of teaching them substantive law. Thus, the student instructors' immersion in a process that in many ways resembles the practice of law, and analysis of the resemblances in seminars and individual tutorial-like sessions, stands out as the primary educational characteristic of Street Law.

In particular, Street Law teaching develops insights into processes affecting attorney-client relationships. The student-teacher relationship resembles in many important ways that of attorney and client. For example, attorneys often see themselves, and are often seen by clients, as the "critical mass" in the attorney-client relationship; likewise, in classrooms, the teacher usually is a power figure.

Just as a successful attorney-client relationship typically depends on an attorney gaining a client's trust and confidence, so effective teaching is often dependent on the teacher having the trust and confidence of students. A student instructor explaining a legal concept to students so that the students can take that concept into account in their future behavior resembles a lawyer explaining a legal concept to a client to help the client decide what course of action to pursue.

Just as clients may confide their most private thoughts to attorneys, so too students often confide very private matters to their teachers. And, unless they are legally obligated to reveal what is told to them, both attorneys and teachers generally keep what they hear to themselves.[1] Moreover, a client whose spouse goads him or her into having a will done, or who is sued, may be no more a willing participant in an attorney-client relationship than some students are in a student-teacher relationship.

One of the critical aspects of a lawyer-client relationship is the setting of limits as to the nature of the interaction. The role of attorney in general involves certain specific activities and excludes others. Ethical considerations even prohibit certain activities between attorney and client. Additionally, in any given attorney-client relationship, the attorney must reach an agreement about what specifically the attorney may do for the client.

Learning to set limits about the role the attorney may play may pose serious difficulties. For example, new lawyers representing neglected and abused children may feel confused by the limited role they play in representing these victims. Desires to help individual children may conflict with the role of the attorney. How much can the attorney get involved in the life of such a child? The seminar demands the same kind of analysis of the role of the student instructor as teacher in the lives of the students. Particularly, the course requires that law students define themselves as teachers. They must resist giving legal advice, and they must conduct themselves professionally with their students.

Admittedly, student-teacher relationships do not parallel those of attorney-client in all respects. For example, attorneys are "zealous advocates" for their clients; only rarely would a teacher be thought of as a zealous advocate for a student. But analogies are never exact. In law school students are generally expected to learn how a court might respond in a future situation from reading how a court did respond in a past situation, even though future situations will be different in some respects.

The educational key is helping students to recognize what is significant in the past situation. Similarly, in Street Law, one can focus on the significant similarities in the two relationships to enhance students' professional development.

In what ways do the resemblances between teaching and practicing law result in professional development? Perhaps most importantly, students can develop a way of thinking about legal processes that they can employ after graduation. Law school tends to give students the impression that the practice of law consists of knowledge of substantive rules. In reality, the practice of law consists more of incorporating knowledge of substantive rules into a variety of interactive processes -- talking with clients and other persons, negotiating, letter writing, litigating, etc. When the processes are emphasized in teaching and it is demonstrated how those processes resemble those that occur in the practice of law, then, students are taught to think about process and to understand how process can affect legal results.

They can begin to realize why just as knowledge of legal material alone is not sufficient for successful teaching, knowledge of substantive rules alone is not sufficient for effective lawyering. When student instructors understand that how they respond to their students' questions, for example, is relevant to how they might respond to their clients' questions, and discuss how different ways of responding may facilitate or impede learning, (1) they learn that process can be at least as important as substance in effecting the result; (2) they learn ways of thinking about processes. Both types of learning are essential for continued professional development.

Professional development is also stimulated when students learn about the practice of law in contexts other than practicing law. Many law students graduate with the impression that practicing law is a completely unique social activity, and that the usual rules of social behavior are of limited applicability. This is a misconception. Students can profit greatly from realizing the extent to which everyday social behavior and feelings will influence their professional lives.

Their teaching experiences then become examples of how they can learn from what occurs in situations which seemingly are not relevant to the law. For instance, student instructors may realize that the frustration they may feel when a student fails to turn in work mirrors what they may feel in the future when a client fails to comply with a request. How they deal with the frustration as a student instructor, then, tells them something about how they may later deal with the frustration as a practicing lawyer.

Similarly, through analysis of teaching processes students can learn that patterns of behavior built up in ordinary social settings may constrain their ability to behave in an optimally professional manner. For example, in court, lawyers may have to cross examine adverse witnesses quite aggressively. Student instructors may want to question students aggressively in a classroom situation, but find it difficult to do so. The professor can help the students realize that one reason they may find it difficult is that they probably have little everyday experience asking questions in an aggressive manner.

Thus, both because teaching law in many important ways resembles representing clients and because teaching is one of many social activities from which students can learn, professors may help student instructors (1) understand that through their teaching experiences they are learning about professional skills and (2) improve their professional skills. Without pretending to offer a complete list of the skills of practicing lawyers, the following professional skills are fostered by the Street Law experience.

1. Questioning skills. Lawyers constantly seek data from clients, witnesses, bureaucrats, other lawyers, and the like. Since much information-seeking is oral, an ability to phrase questions to accomplish specific ends is critical. For example, a lawyer will want to phrase a question differently, according to whether the lawyer is seeking a specific piece of information from a client or encouraging a neutral witness to talk at length.

Through Street Law, students can analyze and compare their questioning skills, and often gain insight into why a class responds as it does. For instance, a student who complains that class members do not participate in discussions may realize that he tends to preface questions with long-winded introductory remarks which stifle interest. Another student may realize that though her questions are clear to her, they are not at all clear to a listener. Another may realize that after asking a question, he is so busy thinking of the next point he wants to make that he does not pay much attention to the answer. Many other questioning concerns will come to light through observation of student teaching, practice teaching sessions in seminar, and even through student reports of what occurs when they teach.

2. Ethical responsibility. Teachers have ethical responsibilities which in many ways resemble those of lawyers. For example, akin to the notion of how far an attorney should be a "hired gun" who does whatever a client wants is the issue of the extent to which a teacher teaches what students want to learn. Some student instructors recognize that they are quite concerned about finding out what their students want to know and trying to stick to it; others have more of an agenda of what high schoolers ought to learn and try to stick to that. Without giving the stamp of approval to either position, students can come to understand how their predilections may in the future have ethical consequences.

Similarly, what response should a student instructor make who is asked by a high school student to advise on a personal matter that is serious and not related to class material? For example, a student may seek advice on whether she should abort her pregnancy. If the student instructor attempts an answer, does the answer reflect the student's own personal values, or does the answer help the high school student clarify her own values?

Or what does the student instructor do who becomes aware that a high school student has cheated on a test or used or sold drugs? Does the student report the incident or handle it some other way? These and many other situations that often arise in the course of teaching have ethical implications, and student instructors can be helped to develop their ethical responsibilities by discussing the situations individually and, where appropriate, with the class as a whole.

3. Analytic skills. Law schools attempt to teach students to "think like lawyers." However, the fact that students' backpacks and lockers tend to feature commercial course outlines rather than books on legal reasoning suggests that the law schools' message is a muted one. Street Law is relatively free of doctrinal coverage, and there are as yet no commercial outlines for the course. Hence, professors have the luxury of explicitly assisting students' analytical skills.

Separating important considerations from unimportant ones; supporting conclusions with reasons; evaluating the validity of broad principles in the light of specific contexts; recognizing analogous situations--these are among the mental processes that constitute "thinking like a lawyer."[2]

Street Law teaching presents numerous opportunities to examine such analytical skills. How does a student decide what subject matter to teach, or what teaching method to employ? What factors does the student consider? What factors are relevant? (For example, should the student consider "what I would have wanted to learn about in high school?) Do they at some point deviate from their initial plans, and if so, on what basis? The processes by which students decide what or how to teach are just as suitable for analytical parsing as appellate cases. Indeed, since teaching processes are shorn of doctrine, students are better able to reflect on their analytical development.

Likewise, student instructors are frequently posed with the problem of wanting to respond differently to situations which in many ways are similar. For example, a student may have to discipline high schoolers who have engaged in similar conduct. The professor may help the student instructor sort through feelings that on the one hand the high schoolers should be treated the same because they engaged in similar behavior, and on the other that unique circumstances make treating them the same seem unfair. The same type of issue can arise in the context of exams or other class performances. In each case, the interest is not so much of how a student resolves a matter, but the thought processes a student uses in seeking a resolution.

4. "Beyond the Ordinary Religion."[3] Many legal and non-legal commentators have decried law schools' focus on

technical skills while providing little education in underlying professional values. Roger Cramton, for example, calls for explicit consideration of "traditional Judeo-Christian ideas of 'faith, hope and charity' as well as the idea of justice."[4] Of course, many professors are reluctant to take advantage of their position in the classroom to try to inculcate their personal values into student instructors.[5]

But almost by definition, student instructors are those who recognize that values other than technical expertise and bar passage are important. The professor can help student instructors think through what their other values are, how those values led them to take Street Law, and how those same values may find expression in the practice of law.

When asked, many student instructors will identify a fairly traditional public service reason for their decision to enroll in the course. For example, a student instructor might say, "I wanted to give something back to the community" or "Someone who taught me in high school really helped me understand I could succeed, and I want to do the same for others." Even on this traditional level, the student instructors may be helped to explore their values. After all, they receive "pay" for their teaching in the form of unit credit and grades. Are these significant factors in their willingness to perform a public service? Are similar factors available in practice?

However, the more significant values clarification aspects of Street Law grow out of student instructors' interactions with their own students. Why is it troubling if a high school student performs badly on a test or refuses to participate in class? Why isn't the student instructor's attitude "No skin off of my nose, it's her life"? Why is it that the student instructor may seem to care more about a high school student's progress than the student does? How does a student instructor react to the condition of a high school student who is picked on by classmates, or who has failed throughout the system? Does the student instructor feel compassion, and does he free to express it within the professional role?

Street Law, in other words, is an opportunity to inject the human element into law schools. Almost every appellate case is a human tragedy of one sort or another -- transactions that have gone sour, persons injured or killed, greedy heirs. The personal problems attendant to such tragedies are largely ignored in favor of examining abstract questions such as, "Does a drunk driver have the requisite mental intent for homicide?" The plea for more attention to values in law school is in part a plea to inject a sense that lawyers are problem solvers, and that to solve problems, lawyers must have a personal commitment to and understanding of people and their problems in all their factual, emotional and moral complexity. Students' teaching experiences are an excellent basis on which to develop these notions.

In addition to those issues, the learning process of Street Law creates responsibilities to third parties. In traditional law school classes, a law student's failure to attend class or prepare results in a penalty in the form of lowered grades. In the Street Law seminar and class, failure to perform responsibilities directly affects others--their students, the cooperating teacher, and the partner for student instructors who team teach.

Endnotes

1. Attorneys, of course, have an ethical obligation to do so. While teachers do not operate under the same ethical commands, it seems fair to assume that in practice they keep student confidences to themselves.

2. The phrase "thinking like a lawyer" has often been condemned, however. See A. Pirie, "Objectives in Law School Education: The Case for Systematic Instructional Design," 37 J. Leg. Ed. 576, 587 (1988).

3. This heading is the title of an article by Roger Cramton in 37 J. Leg. Ed. 509 (1987).

4. Id. at 516.

5. See, e.g., K. Bartlett, "Teaching Values: A Dilemma," 37 J. Leg. Ed. 519 (1987).

3.1.2 A Survey of Ways Street Law Programs Benefit Student Instructors (MAF)

The primary job of any law school is to equip its students with the knowledge and ability to be competent lawyers. There are many aspects involved in this transforming process. Law school programs in which student instructors teach others provide a unique way to cultivate in student instructors the knowledge, skills, and attitudes lawyers need. This section identifies a number of specific benefits student instructors derive from teaching Street Law.

First, law schools are concerned with teaching law to their students. One of the oldest axioms relating to teaching goes something like "Not until you have to teach a subject do you really learn it." In line with this axiom, a primary goal of some seminars may be to teach substantive law. For example, if student instructors teach "search and seizure" to a high school class, one of the professor's teaching goals may be for student instructors to acquire expertise in the law of search and seizure.

Preparation for the classroom and teaching result in a heightened understanding of the law. Questions posed in the student instructors' classroom require the student instructors to demonstrate a solid understanding of the subject at hand.

The student instructors' motivation to know the law is high (perhaps higher than in traditional law classes). This is so because student instructors have a great desire to contribute positively to the development of their students and a desire to avoid appearing ignorant to their students.

The subjects which student instructors teach may emphasize state law and practice. Student instructors report that this has proven useful in preparing for the bar examination. In programs which conduct a mock trial event student instructors are exposed to current, controversial developments in the law. For many student instructors, the only trial advocacy training they have is this program.

Student instructors are required to draw upon the law as a whole. Their students ask questions which do not respect the arbitrary classifications of law which are convenient for designing curricula. The questions force students to make the transition from knowledge of law as a static entity to a tool to accomplish some action on behalf of another.

There are a variety of learning styles among student instructors as among the general population. Learning by teaching is a style of learning that works better for many student instructors than does participation in traditional law school classes.

The seminar teaches the process of teaching. When student instructors decide to use one teaching method rather than another, or become aware that information they have previously given is incorrect, or realize that their students are having difficulty understanding legal abstractions, the student instructors are grappling with teaching processes. These processes, rather than substantive rules, are the basis for objectives which are the unique province of a Street Law Program.

Few of the processes involved in teaching Street Law are applicable only to teaching high school students. For instance, what a student instructor may see as a problem of explaining "reasonable doubt" to a high school class is merely a piece of the larger problem of enabling lay persons to comprehend legal concepts.

The problem of holding the attention of high school students during a lecture is in many ways the problem of holding the attention of judge and jurors during closing argument. The sense of trust and confidence that as a student instructor one hopes to instill in students to foster their learning is parallel to the trust and confidence that lawyers try to establish in attorney-client relationships.

It is a commonplace to point out that the legal system is as much a set of processes as it is a body of substantive rules. Nevertheless, despite law schools' stated goal of teaching students to "think like lawyers," many law students think that knowledge of rules defines the practice of law. However, when the student instructor's attention is focused on the process of teaching, confronting the importance of process issues in law is nearly unavoidable.

Law schools are interested in producing professionals. The Street Law Program establishes a setting in which student instructors develop a greater understanding of the role of the lawyer in dealing with problems. Students ask questions which concern them, and they demand information that is accurate and understandable. The student instructors are in the position of professionals with responsibilities to provide correct information and to fulfill agreed upon obligations toward the school and the students. This is a live client experience of professional responsibility.

Law teaching puts rigorous and frequent demands on student instructors to think on their feet. For a significant period of time, student instructors must speak to, direct and organize the students, using skills of description, explanation, negotiation, compromise, and advocacy.
Law schools are concerned with employment of their graduates. In teaching, student instructors develop skills that open up careers

in teaching law in universities, community colleges, government agencies, corporations, and LRE generally.

Lawyers are continuously called upon to work with other professionals, for example, co-counsel, medical doctors, psychologists, and police. They must respect the expertise of these individuals while at the same time being able to achieve their desired goals. Student instructors routinely work with and plan for such other professionals who are in their classes as resources or whom their classes visit on field trips.

The programs typically put student instructors in a team with another student instructor and a cooperating teacher. They must work together as professionals for an entire semester or quarter. Many times, as in real life, the teaming is of different personalities. This develops students' abilities to place limits on relationships, to negotiate and compromise, and to put professional responsibility ahead of personal feelings.

Student instructors work with experienced teachers who are expert in areas the student instructors are not, i.e., the methods involved in teaching. Student instructors learn early to appreciate that expertise and to use it to enhance their own efforts. The experience is important for preparing the students for work with expert witnesses and in preparing complex business transactions.

The A.B.A.'s Model Code of Professional Responsibility calls on attorneys to increase the lay public's understanding of the law.[1] Teaching students in the community is an effective way to achieve this objective and to acculturate student instructors to this part of their responsibilities as lawyers.

Student instructors in the classroom confront problems that may not be part of their prior experience and then consider the role that law can play in resolving the problems. For example, they deal with legal issues involving gangs with associated violence or drugs which now plague many urban communities. Such classroom experience will later inform the attorney's work with such issues.

There are few, if any, other law school courses which bring joy to law students. Street Law does that even in the third year of law school, generating high motivation to learn and commitment to excellence.

ENDNOTES

1. Code of Professional Responsibility, Ethical Considerations 2.1 and 2.2.

3.1.3 Professional Development Through Administrative Experience (BEF)

Since the beginning of Temple Law School's High School Teaching Project in 1975, third year law students have had the opportunity to assume some administrative duties as Student Directors.

Because our student instructors are paid and do not receive academic credit for teaching, we have found that many of our strongest second year student instructors are willing and eager to return to teach and assume additional responsibilities for a second year. After an application process at the end of the spring semester, we hire three or four students for the coming law school year. Their commitment is for twenty hours per week for a period of approximately twelve weeks per semester.

The Student Directors' duties include: recruiting new student instructor applicants, interviewing and assisting in the hiring of student instructor staff, helping with class scheduling, training new students and writing up-to-date lesson plans. In our experience, the law students can be very effectively used to visit high schools in order to observe and team teach with new student instructors, vastly expanding the capacity of staff to do on-site coaching and problem solving. Student directors also plan social events and seminars for the staff and the broader law school community.

Former student directors have told us that the administrative skills developed and polished as directors are required in most law practice. One former student said that his experience interviewing candidates for student instructor positions had given him the "view from the other side of the table" and prepared him well for his own job interviews. He is now continuing to expand on those skills as a hiring partner in the law firm.

Other former directors said their administrative role enabled them to learn to take responsibility and to see conflicts and constraints from a broader point of view. It helped them feel a stronger commitment to the quality of the program and to the program's continuing role in the community.

Human relations and personnel skills are developed by students in leadership positions. They learn to deal with a variety of personalities on the staff, in high schools and in the community. Resolving conflicts and making decisions as a Student Director helps prepare law students for dealing with staff, colleagues, and partners in an effective way once they are part of a law practice.

3.1.4 Other Benefits to Law Schools and Universities (GBG)

Universities and law schools may both benefit by attracting Street Law students based on their good experiences with student instructors.

Street Law programs win community support for the law schools and universities.

Street Law programs develop new connections to community resources for the law schools and universities. In particular Street Law programs can develop law school connections with private foundations.

Street Law programs have given law schools a new linkage with the bar and bench through the mock trial programs.

Street Law programs provide a well designed community service experience for law schools which want to provide a community service opportunity to their students.

Student instructors who have a good experience in the seminar may be more likely to become loyal alumni.

Student instructors expand the law school's public service resources.

A professor who teaches the seminar has an opportunity to learn about teaching by teaching about it.

Street Law Programs also build public respect for the bar, thereby helping the faculty meet its obligation under the Code of Professional Responsibility.[1]

ENDNOTES

1. Ethical Considerations 9.1.

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Part 3.2 Rationales Based on Goals of the Schools

3.2.1 Benefits to the School's Students

3.2.1.1 Why Should Students Take Courses from Law Student Instructors? (MAF)

The student body taught by the student instructor may be high school students, middle or elementary school students, prison inmates, mental hospital staff or patients, community group members, or others. The primary motivation is common: people want to understand how the law works in areas that affect their lives.

The goal of Street Law classes is to empower students with knowledge and skills that will enable them to participate in society as informed citizens. Teaching law also conveys the basic values of democratic society and the Constitution. The courses aim to reinforce the reality of a pluralistic society, with its variety of viewpoints, while teaching tolerance for the opinions of others. The courses, in addressing current legal issues, helps students become more aware as citizens.

A Street Law course stresses critical thinking skills by requiring students to identify and analyze all perspectives on legal issues. Students' communication skills are increased, especially through mock trial activities. Student self-esteem is increased as students see through student-centered learning methods that they are capable of understanding and applying the law. Observation and problem solving skills are also stressed through the participatory methods used.

The programs emphasize that justice is a legitimate expectation of all, teaching students to expect and demand justice. The program does not, however, naively teach that justice always occurs or that it never occurs.

Students also are taught how to take steps to obtain justice when a dispute arises. This may be through simply asking for what the students want or through negotiation, mediation, arbitration, or litigation. Students also learn that seeking justice may have unintended consequences. For example, student inmates learn that insisting on their rights may lead to retaliation or other students may learn that insisting on their rights causes friction between neighbors.

Students learn about real problems in society and through access to the persons actually involved in the issues have a heightened appreciation for the actors, whether they be police, attorneys, social workers, or others. This use of community resources works both ways: students see the viewpoint of the resource person and the resource person sees the viewpoint of the students. Students clarify their attitudes toward the role played in society by law and judges, lawyers, law enforcement officers, and others.

Students may take the course to learn more about law-related careers. The use of resource persons and roleplaying introduces students to a wide variety of careers involving the law.

3.2.2 Benefits to the Schools and Communities (GBG)

Street Law classes, when properly taught, can reduce the incidence of delinquency among students in the courses as shown by the national study done in 1981-83.[1]

Street Law classes are a good vehicle for community service requirements in schools.

Street Law classes enable the schools to expose students to a range of career opportunities.

Street Law mock trial competitions provide an intellectual interscholastic competition that wins parents' and community leaders' support for schools.

Co-teaching with student instructors who are committed to active, student-centered classes can invigorate teachers, help them keep current with legal developments, and provide them with new materials and strategies for teaching in LRE classes.

See also Sec. 4.2.2.2 Increasing the Capability of Cooperating Teachers.

ENDNOTES

1. "Law-related Education Evaluation Project Final Report, Phases II, Year 3," submitted by the Social Science Education Consortium and the Center for Action Research to the National Institute for Juvenile Justice and Delinquency Prevention, June 6, 1984.

Chapter 4. PROGRAM STRUCTURE

Scope note: Decisions about the structure of a Street Law program are commonly interdependent. This chapter is organized around decisions that focus on the law school (4.1) and decisions that focus on the schools for whom the student instructors teach (4.2). For administrative issues, see Chapter 1 and 7.

4.1 In the Law School

4.1.1 Curricular Issues

4.1.1.1 Place in the Law School Curriculum (GBG)

Among the issues to be decided with respect to the seminar in the law school's curriculum are:

1. Whether the course will be for credit? Generally it is. A new possibility is to count Street Law teaching for public service credit where that is required.
2. How much credit is to be awarded? See Section 4.1.1.2 for the length of the course.
3. Whether student instructors will be paid for their work as at Temple University?
4. Whether the course is considered clinical as at Georgetown University or non-clinical as at the University of Tennessee?

4.1.1.2 One Semester or Two (MAF)

In establishing a program, law school instructors must decide how to schedule the students in the schools. Programs vary around the country between one semester and two.

Among the advantages of a two semester program are that the knowledge and skill level of the student instructors increases, perhaps doubles, with the additional time. More sophisticated teaching can occur and more written products can be demanded of the student instructors. From the viewpoint of the high school Street Law students, their student instructors are much more confident and competent during the second semester.

Additionally, there is less student instructor feeling of frustration that there is so much the students need to know and so little time within which to teach it.

As a disadvantage to the two semester seminar, there may be fewer law students willing to enroll because of the time commitment. The students of the student instructors may follow semesters so that the audience changes mid-year, creating repetition of topics for the student instructors.

Many law schools offer one semester seminars which track the usual civics or government class. The one semester seminar can more easily recruit student instructors, and law schools are more willing to grant credit for this effort. Operating a one semester seminar also doubles the numbers of student instructors who are able to benefit from the program. This means, too, that student instructors who are not good teachers change more quickly (good student instructors, of course, leave more quickly as well.)

A disadvantage of a one semester seminar, if mock trials are offered as part of the course work, is the enormous work of conducting a mock trial competition. Student instructors who are finally feeling comfortable and creative in the classroom are now at the end of the semester. Another disadvantage is that the frequency of using resource persons may be doubled.

Some programs (for example, the Lewis and Clark School of Law in Oregon) offer an option: law students may sign up for either one or two semesters. Those who sign up for two teach the entire year. Those who sign up for a single semester are replaced with new student instructors at the end of the semester. Student instructors teach different subject matter in the two semesters so those taking the two semester seminar do not repeat the same content with their students.

4.1.1.3 Substance Taught in the Seminar (GBG)

All Street Law seminars must include teaching methods as a core part of their substance. Most also devote substantial time to the law which student instructors will teach. However, at both the University of California and the University of Tennessee the focus of the course is on teaching methods and the student instructor's role and how they relate to the practice of law. Both schools leave it largely up to student instructors to learn the law as they will in law practice.

More detailed descriptions of several law school seminars are in Appendix A.

4.1.2 Structure of the Instructor's Job Issues

4.1.2.1 Team Teaching or Alone (MAF)

Team teaching can be a useful way to improve the quality of teaching in the schools, to increase the number of students eligible to participate in the program, to increase the mobility of students, to teach professional cooperation and to expand the student body's perception of the law and lawyers.

A variety of approaches exists as to whether student instructors always teach in teams, always teach alone, co-teach with a regular classroom teacher, or work in a mixture of such arrangements. Arguments for any arrangement are plentiful.

In favor of teams, student instructors bring various experiences and talents to the law school program, including knowledge of substantive law, communication skills, and interpersonal skills. Pairing students maximizes the strengths and minimizes the weaknesses of the student instructors, resulting in a better educational program for the student body.

Additionally, in the classroom, student instructors will frequently disagree with each other or with each other's interpretation. This reinforces the notion that there is not "one right answer." Student instructors with tendencies to lecture or with minimal insight into the process of teaching can be compensated for by the partner.

There are immense possibilities for professional development in the interaction between the team members. Student instructors are forced to work together to achieve a common goal. Roles are sometimes imposed and challenged by one or the other. Problems are negotiated and sometimes mediated. Student instructors learn that their analysis of the best way to do something may in fact be too narrow.

The team approach also allows for early identification and intervention in the rare case of a serious deficiency with a student instructor's performance. For instance, if a student instructor misses class or arrives late, the team member may call the person to account immediately since it reflects on the team member as well.

Additionally, because of the balancing of strengths and weaknesses between team members, student instructors may become great teachers for their partners. For example, a student instructor who is terrified to speak in front of a group can be helped immensely by a team member who is encouraging. For many students, the knowledge that there is a back-up in the event that they blank out or become lost in their presentation provides them with confidence in the early classes.

On the other hand, some student instructors never successfully break from the shadow of their charismatic partner to develop themselves as fully as they might otherwise. Some use their partner as a crutch, never pushing beyond the limits they enter with.

For solo student instructors there is much more control of the class, more room to be creative and take the class in the direction most suited to the student instructor's views. There is less need to compromise and obviously less friction.

Less time is required for solo teaching, since the burdensome requirement of meeting and negotiating what is to be done and what has happened so far has been eliminated.

A programmatic problem with solo teaching is the occasional student instructor with inadequate teaching abilities (and perhaps similar personal skills as well). For example, an extreme case might be a student instructor who teaches in an autocratic style, tolerates no disagreement, uses derogatory names for minority groups, or uses the teaching platform as a place to espouse a personal agenda. A truly extreme situation may warrant removal from the program. Less extreme situations may be ameliorated by the presence of another student instructor.

However, the student instructor who has been paired with such a partner may have a very difficult semester despite the "learning opportunity" instructor has.

An alternative way to deal with the issue of team teaching or teaching alone is to give student instructors the option. Accepting a number of student instructors less than double the number of teaching sites makes this option viable. Alternatively, all could be paired as teams with each student instructor teaching one day solo and one day as a team (for a total of three teaching days per week per team).

4.1.2.2 Hours of Teaching Per Week (MAF)

The choice here may be determined by the school or the nature of the program. In the typical school program where Street Law is infused into a civics course, student instructors generally teach two or three hours per week.

Campbell University School of Law has an interesting model. Student instructors are required to teach 30 hours of classes. Because of the distances to the schools, student instructors do not teach the 30 hours to the same set of students. On any given day a student instructor may teach three one-hour classes to three different groups of students. Alternatively, students may teach their entire 30 hour requirement during spring break by teaching six hours per day for five days.

Student instructors at the University of Tennessee teach three hours one evening a week for six weeks.

4.1.2.3 The Student Instructors' Students

4.1.2.4 Mock Trial Competitions

4.1.2.5 Juvenile Court Diversion Programs

4.1.2.6 On or Off Law School Campus (GBG)

In most Street Law programs student instructors teach at the schools. At the University of Tennessee student instructors teach high school students who come to the law school for an evening course in family law. Cleveland State University's Cleveland-Marshall College of Law offers a research course for which high school students come to the law school.

4.1.3 Institutional Relationship Issues at Law Schools

4.1.3.1 Relations Among Student Instructors, Cooperating Teachers, and Schools (MAF)

The Youth and the Law Project at St. Louis University School of Law underscores the professional nature of the program by requiring student instructors and cooperating teachers to sign a contract for each seminar. The contract is reprinted as Appendix O1 for possible use by others.

Fulfilling the contractual responsibilities helps develop a professional attitude and conduct that will be required in the work of an attorney.

4.1.3.2 Relations with Law School Administration, Faculty, and Alumni

4.1.3.3 Relations with University Functions and Departments

4.1.4 Resources Issues

4.1.4.1 Development of Local Materials (MAF)

The development of local materials is critical to the success of the program. Student instructors entering a classroom are going to be teaching students who want to know how the law applies to their own situation. If the state's constitution provides greater protection than the federal rights in the areas taught, students need to know that. Additionally, the students are going to ask questions about local situations -- How was the crack house shut down by the prosecutor? Can the security officers conduct pat-down searches of people attending a concert at the coliseum? Where do victims of domestic violence get some help?

With the Street Law text the ideal set of local materials is a state supplement to the national text that addresses the local law, practice and resources in the state and community. The supplement should have two parts, the student and teacher materials. In the teacher materials, there should be the answers to problems posed in the national text as they would be answered under state law. Additionally, it should include answers to new strategies that are taken from local cases and issues. It may also contain substantive information with strategies that are not addressed in the national text. For example, Native American issues should be included in parts of the country with a high population of Native Americans.

The student supplement should contain the information that tailors the material to the state as well as problems and activities that are local. The supplement does not have to track the entire national book if only selected sections of the national text are taught. The students of the student instructors should each receive this supplement.

Some of the states which have supplements are Oregon, Minnesota, Indiana, Michigan, and Washington. West Publishing Company has bound the supplements for New York, California, and Florida with the editions of Street Law sold in those areas.

Lacking a state supplement, handouts should be provided to student instructors on the substantive law and practice in a number of areas. Some law school programs have a compendium of state cases with teaching methods for student instructors to use.

Lewis and Clark's Law School Street Law program has developed a case book which contains a lesson plan, the opinion and a brief of each of the state supreme court's opinions on relevant subjects. Loyola University School of Law, Chicago published a large series of lesson plans in its Illinois supplement, and

Tennessee published a book of articles written by student instructors in the seminar.

Some written materials are available independently for both student instructors' and their students' use. Other agencies publish pamphlets or books on state law for lay persons (for example, the State Attorney General's office, the state bar association, Legal Aid, the state ACLU, the League of Women Voters, the Women's Legal Defense Fund, and advocacy organizations for groups such as the developmentally disabled).

4.1.4.2 Law School Staff

4.1.4.3 Handbook for the Program

See a sample handbook in Appendix A5.

4.1.4.4 Funding

4.2 In the Schools

4.2.1 Curricular Issues

4.2.1.1 Where Street Law Fits in the School Curriculum (MAF)

Each school varies in the way Street Law fits into its overall curriculum. Schools operate with "student learning objectives" (SLO's) which set the overall outcomes that each course should address. These SLO's are readily available from the school district or the state educational agency. The SLO's for civics and government classes readily lend themselves to the infusion of Street Law either on a piecemeal basis or as a complete course which accomplishes the civics or government SLO's.

Street Law may also fit into business law, home economics, sociology, psychology, vocational education, and other courses. Due to Street Law's success in generating improved student performance, participation and enthusiasm, it is also being infused into new areas, including English, mathematics and science.

However, the first step for new programs is probably to infuse Street Law into existing social studies classes. Examining the SLO's will show how to demonstrate that required school objectives can be achieved through exciting curriculum.

It is crucial to meet with the teachers, the chairs of the social studies departments in each school, the social studies director for the school districts involved, principals and vice-principals to decide how best to infuse the material.

Each semester, cooperating teachers should be informed of the schedule of the classes student instructors are teaching. This will enable the teachers to plan to conduct classes on the days when student instructors are not present.

Teachers vary in what they do on days when student instructors do not teach. Some teach parts of the Street Law text which the student instructors do not address. Others supplement what the student instructors do, perhaps bringing in speakers or using other written materials. And still others may teach the traditional social studies course, tying it in with the student instructors' presentations.

Street Law may be included in courses which are elective or required.

4.2.1.2 Criteria for Subject Selection (MAF)

When designing a program, a major issue is selecting the subjects to be taught. Each law school program has a different content chosen for a variety of reasons. The ideal selection of content is based on the students' needs and the content's potential for empowerment, preventing legal problems, and improving students' critical thinking abilities.

The needs of the audience are crucial. A meeting with the students or with teachers should help shed light on what areas of the law are most relevant to the students. For instance, it would probably serve the needs of prison inmates better to teach about post-conviction relief than about housing law. Although for inmates near release, housing law might be more useful than post-conviction relief.

Likewise, the needs of high school seniors may be better met by teaching them the powers of police in contact with citizens than the steps of a juvenile justice system that most have outgrown.

Empowerment is another key criterion. What areas of the law better serve to empower students? Consumer rights, government entitlements, environmental rights, ways of settling disputes such as litigation, negotiation, and mediation may be answers.

What areas of law better help prevent legal problems from occurring? Students will need to know the nature of their legal responsibilities--for example, the duties to act reasonably and the duties created by contract.

Students need to understand that law evolves and that they can play a role in its evolution. This suggests that the content include the study of citizenship, for instance, lobbying, voting, and participating in government decision-making.

Another tie-in is that of community service, suggesting that the students who receive Street Law education acquire an obligation to return something to the community. A continuum of activities may be charted which range from teaching another about what was learned to projects in the community.

Most law classes for students in school are infused into existing curriculum, for example, civics or business law courses. The program at the University of Puget Sound is undertaking to expand LRE to English classes. The choice of curriculum content needs to fit into the overall curriculum, so that officially prescribed learning objectives for the course are covered. Courses for community groups and correctional institutions may not have prescribed objectives.

The expertise of those teaching the seminar may influence the choice of subjects. However, in the ideal world this factor should not, by itself, determine the content. The use of written materials and outside resources, including other professors, can enable the seminar professor to oversee student instructors while they teach topics outside the professor's areas of specialization.

4.2.2 Institutional Relationship Issues with Schools

4.2.2.1 A Few of the Issues (GBG)

Street Law programs involve complex relations with school administrators, cooperating teachers, students, and potentially the students' families. Among the many questions which are important to deal with are:

1. How will teachers be selected?
2. What school policies affect field trips, guest speakers, handling controversial issues, teacher-student relations, and teacher ethics?
3. What arrangements are available to insure against student instructor tort liability?
4. What are the schools' concerns regarding publicity?
5. What are the schools' relationships with the bench and bar which need to be taken into account, e.g., partnerships, mock trial programs?

4.2.2.2 Increasing the Capability of Cooperating Teachers (MAF)

Any law school Street Law program can benefit immensely by improving the cooperating teacher's ability to teach the law. The most valuable resource the student instructors have is the cooperating teacher who is already an expert on how to teach. That cooperating teacher is present (in most circumstances) at each class student instructors teach and provides feedback and suggestions for improvement.

Holding training programs for cooperating teachers is a very practical way to improve their knowledge and skills. Teachers will be motivated for a number of reasons. If they are involved in a program with student instructor instructors, they probably already have an interest in the law. Knowing more about the law means they can provide more support to the student instructors and increases the likelihood that teachers will feel confident in teaching law in other classes without student instructors. However, some overburdened or, in some cases, burned out teachers who are not paid overtime may be reluctant to volunteer for such courses after school or on weekends.

The university Education Department may be able to arrange credit options for teachers. Teachers pay a small amount, for example $25 per credit hour, for ten contact hours. Such credits generally advance teachers along the pay scale or are required for recertification. School districts may also have funds (or access to grant funds) to pay teachers stipends to attend these sessions.

Chapter 5. Teaching Student Instructors to Teach

Scope note: A central thesis of Street Law programs is that the professor in the seminar is a model for the student instructors in the classes they teach. Thus the professor's use of active, student-centered teaching methods is critical in pursuing both substantive legal objectives and instructional theory and methods. Consequently, this chapter illustrates such methods in the seminar through its content (5.1) and its instructional methodology (5.2). For administrative issues, see Chap. 1 and 7. For examples of lesson plans used to teach the seminar, see Appendix C.

5.1 Content of the Seminar

5.1.1 Consensus on the Content of the Seminar (MAF)

Among Street Law professors there is a consensus on the components which should be included in the law school seminar. First of all, the goals of the program for the student instructors, their students, and the law school should be made explicit. This may be done as a brainstorming exercise or based on written material.

To achieve an active, student-centered class, there must be an emphasis on effective LRE teaching methods including case studies, roleplays, simulations, controversial issues, resource persons, small groups, etc. This should be achieved through demonstrations by the professor, peer teaching by the student instructors, videos of student instructors teaching, readings, discussion of the methods, and why and how each is used effectively.

Presentations may also be made on the different types of learners. Bernice McCarthy's book, The 4-Mat System: Teaching To Learning Styles With Right/Left Mode Techniques (EXCEL, 1987), presents these learning styles with sample LRE lesson plans.

Methods of evaluating the students of the student instructors should also be included. Of particular interest on this subject is Dobkin, ed., A Handbook for the Teaching of Social Studies, Chapter 10: "Testing and Evaluation."

The seminar should include discussion of educational administrative matters, including grading, communications with cooperating teachers, holidays, law school exam periods, relationships with cooperating teachers and administrators, school policies, using school resources such as the library, facilities for duplication, and audio-visual equipment, etc.

Most projects, although not all, emphasize the teaching of practical law, including state and local law and law-related resource agencies. This can be done through the full range of methods presented by the professor and through peer teaching by student instructors, papers, and discussion of readings. Resource persons may also be used effectively in the classroom. For example, experienced cooperating teachers may assist in teaching methods, law enforcement personnel may debrief roleplays, and women's shelter staff may conduct opinion polls on domestic violence.

A common theme throughout the course is the explicit identification of how LRE knowledge and skills develop the professionalism of the student instructors. This includes client communications, the role of attorneys in society, and future LRE involvement of student instructors as a career opportunity or as volunteers.

Student instructors should have seminar time to work on problems they face in their classrooms. These problems may range from pedagogical concerns such as "How do I raise students' level of thinking?" to personal issues such as "I am afraid of speaking to a large group."

Law school programs that have a mock trial event generally require that student instructors enact the mock trial that their own students will be required to present.

Cooperating teachers are generally invited to at least some seminar sessions. These may include the session at which the student instructors are assigned to schools and sessions addressing teaching methodology, characteristics of the local schools and their students, and how to prepare students for a mock trial event.

5.1.2 The Legal System of the Law School's Jurisdiction

5.1.3 Dispute Avoidance and Resolution: Negotiation, Mediation, Arbitration, and Litigation

5.1.4 Learning Theory

5.1.5 Feelings in the Classroom

5.1.6 Setting Instructional Objectives

5.1.7 Team Teaching

5.1.8 Grading

5.1.9 Lesson Planning

5.1.10 Learning Styles

5.1.11 What Students Are Like as Learners

5.1.12 Cooperative Learning

5.1.13 Overview of Teaching Strategies

5.1.14 Structured Controversy -- See a sample structured controversy in Appendix J1.

5.1.15 Teaching Controversial Issues

5.1.16 Games

5.1.17 Role Playing

5.1.18 Use of Chalkboards

5.1.19 Use of Overhead Projectors

5.1.20 Use of Films and Videotape

5.1.21 Use of Filmstrips

5.1.22 Use of Slide Projectors

5.1.23 Use of Other Visual Aids

5.1.24 Use of Computers in Instruction

5.1.25 Use of Resource Persons (MAF)

Delinquency research indicates that a key factor in law-related education having a positive impact on students' behavior is the proper use of resource persons such as police, judges, lawyers, social workers, or mediators. "Law-related Education Evaluation Project Final Report, Phases II, Year 3," submitted by the Social Science Education Consortium and the Center for Action Research to the National Institute for Juvenile Justice and Delinquency Prevention, June 6, 1984.

For resource persons to have this impact, it is crucial that the class be designed to present a realistic and balanced view of the law and legal system. One must avoid the kind of lesson taught in a class in which a police officer slapped his revolver and told students that the gun was the only law he needed. To minimize this kind of damage, it is very useful to develop a list of effective resource people. The list can be expanded as student instructors report back on who is and is not effective.

Meetings of resource persons, student instructors, and cooperating teachers are useful to ensuring the best use of the resource people. One model is to schedule an event for resource persons with cooperating teachers and get the community resources to describe briefly what services they offer and how they could assist in a classroom. This promotes networking of the resources with the cooperating teachers and also among the resource personnel themselves.

For the most effective presentations, it is important that student instructors and community resource persons communicate prior to the class. Student instructors should instruct the resource person as to the goals and specific objectives for the class, the context in which the class is to be offered, and the participatory methods to be used. Also, the student instructors should give exact details about time and location of the class.

The class should be designed with the community resource person structured into the class--as a participant in a mock hearing, an observer and critic of a roleplay, a presenter of hypotheticals or case studies, not merely a lecturer.

The audience should also be prepared for the arrival of the resource person, with students assigned to develop questions prior to the class. Following the class the audience should be debriefed about their reactions and should review how what they learned fits into their learning. A nice way to conclude the use of the guest speaker is to have the audience write letters to the resource person indicating what they learned from the presentation.

The same format should be used for field trips: prepare the students, prepare the personnel at the site of the field trip, orchestrate participatory involvement at the site, and debrief the event with the students. See Section 5.1.26, Field Trips.

5.1.26 **Field Trips** (MAF)

Field·trips are a useful method in Street Law. There are a number of logistical and substantive issues to address to make a field trip a success.

Before making announcements to the class about traveling off-premises, the student instructors need to determine whether school policy and finances allow for field trips. Sometimes there are school requirements that must be complied with. For instance, some schools require that someone certified in CPR travel with the students. The cooperating teacher will be the best source for information about the feasibility of field trips. Students under 18 will need parental permission slips. Since students will likely miss other classes, arrangements need to be made for that. Insurance issues should be investigated so there is no question of liability for injuries that may occur on the trip. Transportation needs to be arranged. If the school is located near the site, students may travel on their own; otherwise, a bus may be needed.

Deciding on where to go is the next issue. The site selected should offer educational value that meets objectives for the Street Law course. Courts, jails, prisons, law firms, and police stations are typical choices. Whatever the choice, it is important to structure the visit. This is done by preparing the students for the trip and by preparing the site for the arrival of the students.

To prepare the students, the student instructors should teach the students about what they are to see, determine the students' knowledge and attitudes about the sites, check the accuracy of their perceptions, and create curiosity on the part of the students. The students may have assignments to be done prior to the field trip. For example, students might be required to identify the most pressing problems facing the courts or the prisons and then work together to devise strategies for addressing the problems. Students on the field trip could be assigned to look for evidence of the problems they identified during their assignment.

To prepare the site for the visit, the student instructors should contact the proper authority to arrange for the visit. Sometimes there are agencies that organize visits to the site, provide written information, and perhaps conduct tours. Judges may be willing to meet students and explain what has been happening in the courtroom.

During the field trip itself, student instructors will have to devise ways to keep the students together or to unite them if they are allowed to disperse. Administrative issues like lunch, bathrooms, what to do if lost, are important to address.

After the field trip, student instructors should debrief the event with the students. Student instructors should determine whether the learning objectives were met. Students should determine whether justice was being served by what they saw and what remedies might exist if it were not. Students' feelings should also be solicited. A thank you letter to helpful persons involved in the trip is an excellent way to finish off the field trip.

5.1.27 Conduct of Mock Trials

5.1.28 Instructor's Professional and Social Relations with Students

5.1.29 Classroom Rules and Management

5.1.30 Developing Oral Communication Skills

5.1.31 Writing for Non-Lawyers

5.1.31.1 Legal Synthesis: Writing that a Client Can Easily Understand (GBG)

At the University of Tennessee a major part of the program is developing student instructors as writers for non-lawyer audiences. What follows is a short paper I give the students describing the features of a legal synthesis, a pulling together of the law without showing how the writer got there (except in the footnotes which make the papers useful to lawyers and judges).

This is a brief description of characteristics of a legal synthesis written to enable a person to make decisions on the basis of the law without having a legal education. The first group of features is peculiar to the legal synthesis; the second group is composed of features of any clear and well researched legal document.

1. Specific qualities of a legal synthesis.

   a. A legal synthesis states the law's effects instead of describing the law. Thus in a synthesis one would say "The court must fine the person" where the law itself said "The court shall fine the person".

   b. A synthesis does not talk about the law, but is written almost as if it were the law itself. A synthesis would not contain a sentence such as:

      "The court in Terrell v. Terrell, 192 Tenn. 317, 241 S.W.2d 411 (1950), holds that a divorce action is an action in personam."

      Instead the synthesis would be:

      "A divorce action is a lawsuit against the defendant personally."

      A footnote or endnote would contain the citation to Terrell v. Terrell and include the legal term "in personam."

   c. Because synthesis is to enable the client to decide what to do now, it does not discuss the history of the law. A synthesis for use by a client is written in terms of the law as it is in the present. Discussion of the history of the law which may be useful to lawyers should be related in footnotes or endnotes.

d. A legal synthesis contains no case names or statutory citations in its text unless it is important that the client know about the names. Legal citations are found in footnotes or endnotes.

e. An introductory paragraph shows the scope of the paper and identifies topics which are not covered, though the reader might have expected them to be.

f. All legal propositions have citations to footnotes or endnotes.

g. Substantive rules and problems of proof are discussed separately. Thus, proof requirements would be discussed under a separate heading from the rules conveying rights or privileges. Likewise, pleading points and discussions of necessary court findings are kept separate from the substantive rules.

h. A synthesis contains legal terms of art only when the client needs to be aware of them and then defines them.

2. Features of clear and well researched legal documents

a. Sentences are short.

b. The document is written in the present tense and in the active voice.

c. Vocabulary is simple.

d. All legal terms which have meanings the reader might not be aware of are defined explicitly.

e. Expressions such as "her or his" or "s/he" which complicate the reader's task are omitted. Instead, the paper is written with nouns, and if avoidance of the masculine form is desired, the writer phrases the sentences so that personal pronouns are unnecessary.

f. The organization of the paper is appropriate to its topic and audience.

g. The structure of the paper reveals itself by the use of labels and and outline format.

h. Complex points are illustrated with examples.

i. Debatable matters appear in the footnotes.

j. The research is thorough and permits the lawyer or judge who reads the paper to verify its contents and update it easily.

k. The paper relies only on legitimate legal authorities instead of finding aids such as legal encyclopaedias.

l. Any use of language from another author which is more than three or four words long is shown in quotation marks.

m. The paper refers the reader to other related papers where that is likely to be helpful to the reader.

5.1.32 Journaling (MAF)

Some law school programs require student instructors to complete and submit journals. Student instructors are individually expected to keep a journal to serve as a record of what the student instructor taught during the course and for self-evaluation. The journal includes (1) goals for the semester, both personal and for the class; (2) the ground rules set for the Street Law class; (3) lesson plans for all material taught; (4) a critique of each class presentation -- what seemed to work, did you run out of time, did you evaluate the student learning -- with what results, who seemed to participate most, how could you improve the lesson if you were to teach it again, what things are you going to work on for next class; (5) all materials, tests, and assignments used in class; and (6) a final analysis as to whether the goals were accomplished.

Part 5.2 Teaching Methods in the Seminar

5.2.1 Overview: The Professor as Model (PBB)

The objectives for the professor in the law school classroom will be different in many ways from those the student instructors will have for their classes. The goals of the professors are to teach about methodology or lawyer-lay person communication problems. By contrast, student instructors will typically have objectives such as, "Students will be able to explain the different degrees of homicide," or "Students will be able to state a position on an issue and state reasons in support of the position."

However, though the objectives may differ, professors may model some of the teaching methods that student instructors can employ in their classes. For instance, the professor can use the same teaching method to teach about "Socratic dialogue" that the student instructors can use to teach about aspects of substantive law.

Thus, following each law school demonstration, discussion can focus not only the objective, but also on the method used to teach it. Such modeling and follow-up discussions enable student instructors to become more familiar with different teaching methods and to "try out," in the friendly confines of the seminar, teaching methods that they may employ in their teaching.

If professors want their student instructors to use a variety of teaching methods, it is necessary for the professors to use those same methods. Street Law seminars are excellent examples of experiential learning, and student instructors should experience and then analyze in the seminar a number of different teaching methods.

A number of such methods follows.

1. Teaching about Teaching: "Young Love," an introductory teaching exercise, begins with the distribution of the facts of a hypothetical problem. The problem involves a divorced father who comes home to find his daughter and her boyfriend making love on the living room couch.[1]

The student instructors are then divided into groups of three to five student instructors each and told to assume that it has been asked to decide what it would teach to a high school class based on the hypothetical problem. Each group is to list as many as five topics that it might choose to teach, and out of those to identify one or two topics to which it would assign the highest priority. After a few minutes, each group places its choices on the board.

Invariably, some groups place highest priority on substantive concerns, e.g. teaching a lesson on the law of statutory rape; or "politico-cultural" considerations - e.g., why society tends to view the daughter's behavior as more wrongful than the boyfriend's. Other groups may give priority to procedural matters - e.g., contrasts between how the case would be handled as a civil matter and as a criminal matter. Still other groups may focus on ethical issues that might face an attorney contacted by the father, -- e.g. would the attorney represent the interests of the angry father who wants to punish the boyfriend through a lawsuit, or the upset daughter who wants the whole episode forgotten as quickly as possible. The student instructors then discuss and debate the merits of the various choices.

This exercise helps student instructors realize how many different teaching possibilities lie in even a brief set of facts, and helps them gain insight into what sorts of topics are likely to interest them the most. In addition, the exercise demonstrates a teaching technique-- small group teaching.

As for the goal of giving student instructors insight into teaching possibilities and their own interests, some student instructors tend to take comfort in doctrine. Their comments may demonstrate that they define the legal system as a system of positive legal rules, and believe that high schoolers both expect and need to learn about rules. Other student instructors gravitate towards process. Their comments may de-emphasize rules, perhaps on the theory that high schoolers may forget specific rules, or the rules may change, but that the processes by which rules are made and enforced are timeless.

Student instructors also need to understand how their own values tend to influence their teaching decisions, not that any particular choice be viewed as "correct."[2]

The follow-up discussion might address the extent to which they, as student instructors trying to decide what to teach, ought to be guided by the desires of their high schoolers. Assuming for example that high schoolers enroll in a Street Law class to learn rules, how heavily ought that to influence the student instructors' decision as to what to teach? Analogous to the issue of whether a lawyer is a "hired gun" whose primary duty is to do whatever a client wants lawfully done, such a discussion also serves to draw a parallel between teaching law and practicing law.

Turning to the teaching method, the exercise allows student instructors to think about the small group discussion method of teaching based in part on their experiences during the exercise. Did more student instructors participate in the small group discussions than might have done if the professor called on student instructors individually in a whole-class setting? Did the small groups foster a sense of commitment to group ideas? If so, is that beneficial, or might it interfere with whole-class cohesion? The exercise gives student instructors experience with this teaching method, and through such questions student instructors can analyze when and how often this teaching method might be useful in their teaching.

2. "The Spelunkean Explorers" or "The Case of the Shipwrecked Sailors" may either substitute for or supplement "Young Love." In either its on-the-land or at-sea factual variations, the familiar cannibalism hypothetical may serve as a backdrop for a teaching exercise. Prior to the class, the professor may divide the student instructors into groups of two or three each. Each group is given a copy of the hypothetical along with a description of a particular teaching method such as lecture, roleplay, Socratic dialogue, or case method.[3]

Each group is then required to teach a ten to fifteen minute lesson to the other student instructors in the class, on any aspect of the hypothetical that it desires, using its assigned teaching technique. Brief discussion follows each teaching presentation, as well as after all groups have taught.

As in "Young Love," part of the discussion may focus on each group's choice of subject matter. The remainder may emphasize the benefits and drawbacks of each teaching method as well as specific teaching techniques the student instructors used that made each method more or less successful.

3. "Lecture in Disguise" is based on ideas of Professor John Barkai of the University of Hawaii School of Law. The entire class receives reading materials describing a number of teaching methods, including lecture, roleplay, etc. The class is then broken into small groups of two to three student instructors each and asked to orally persuade the rest of the class in ten minutes that the teaching method assigned to it is the most meritorious.

The persuasion must take the form of a direct examination. Typically, one student instructor plays the role of an expert witness, who is questioned by another group member. Following each direct examination, student instructors in other groups get to cross examine the expert and generally ask pointed questions bringing out potential drawbacks with each teaching method.

This exercise introduces student instructors to the typical benefits and drawbacks of common teaching methods. Viewed more globally, the entire exercise is a roleplay which allows the class to discuss the merits of roleplays in general, and mock trials in particular, as a way to present information.

4. "Meeting of the Minds" brings together, in a discussion format, historical figures who are associated with positions a professor wants to bring before a class. While this method is used in seminar as a method of teaching about teaching, student

instructors may use it to teach about nearly any substantive issue. For example, a Meeting of the Minds exercise on the death penalty might bring together Beccarria, an Italian philosopher who was an outspoken critic of the death penalty; John Stuart Mill, the English philosopher/politician who favored the death penalty; Ethel Rosenberg, the McCarthy-era "Atomic spy" who was executed in the electric chair; and perhaps one or two others.[4]

Student instructors assigned to these roles, aided by a moderator, discuss issues related to the death penalty in front of the class. For purposes of the discussion, the historical figures are knowledgeable about modern day concerns, but they speak from their historical perspective.

A Street Law Meeting of the Minds exercise may feature a cast of characters brought together to discuss a topic such as "What is wrong with high school education today?" The participants are each associated with a particular oral or teaching style. One assemblage used at UCLA featured Christopher Langdell, as an exponent of case method instruction; Cicero, the famous ancient orator who extolled the virtues of the lecture; John Dewey, the educator who strongly favored experiential instruction; and Socrates, for the obvious reason. A fictional character was invited, named "Lexi Westlaw", to speak in support of computer-based instruction.[5] "Lexi" provided both a "cutting edge" point of view and a female participant.

To lend greater stature to each participant, the moderator introduces each briefly, giving personal background information and emphasizing each character's place in history. Then, as the moderator raises educational problems (e.g., "What can be done to stop the floodtide of dropouts?"), each participant argues for his or her teaching method as the one most likely to solve them, and responds vigorously to the claims of the others. During the discussion, the "audience" may ask questions of the experts.

ENDNOTES

1. The problem is based on one contained in Henderson and Pearson, The Torts Process.

2. More generally, and depending on the level of discussion and the professor's own teaching goals, the professor might broaden the discussion of this point to include how as attorneys, their personal values might affect advice they give clients, and whether any of the various 'Codes of Professional Ethics' make proper allowance for the impact of personal values. For example, in the hypothetical drawn from Henderson and Pearson, how might an attorney's values affect whether the attorney recommends the father "lump it" or proceed vigorously against the boyfriend? Is it legitimate for an attorney to be guided by personal values? Is it inevitable?

3. To demonstrate the importance of the teaching process in the exercise, I distribute to the "student instructors" not only a one page description of the "Spelunkean Explorers" from the Harvard Law Review, but also a descriptive analysis of the teaching method a student instructor is asked to use. Useful descriptions of teaching methods are found in Gerlach & Lamprecht, Teaching About the Law (1975); and Walton, Toward Better Teaching in the Secondary Schools (1966). Jerome Bruner's The Process of Education may also be helpful. A useful description of the case method is found in a work written for business students.

4. Student instructors who wish to use this method in their classes will, of course, have to distribute to each character material that describes that character's position on an issue, as well as something of the character's life, times, and personality.

5. These are, of course, only suggestions. A professor may choose different experts or may include different or additional teaching methods.

5.2.2 **Communication Skills and Similarities Between Teaching Law and Practicing Law** (PBB)

The course at the University of California at Los Angeles is an approach to teaching communication skills and the similarities between teaching law and practicing law. The following discussion illustrates both a range of issues about the skills and similarities and ways of teaching about them.

1. Communication Skills

Three language characteristics to examine are:

(a) Abstraction: Abstract terminology is a communication roadblock that frequently bedevils student instructors. Meaning is a product of experience; the more speaker and hearer base meaning on different experience, the more likely it is that misunderstanding will occur.[1] And abstract terms, since they allow one to call upon such widely differing experiences for meaning, are most likely to create misunderstanding.

Thus a word that describes a specific material object - e.g., "dime" - is easy to understand. But critical legal words are abstract; they do not refer to anything that people can experience directly with their senses. Esamples include terms such as "negligence", "reasonable doubt", "probable cause", "intent" and "privacy". Even if a student instructor (or lawyer) tries to carefully explain to a student (or juror) what a term means, the listener's different past experiences may lead the listener to understand the term differently than the speaker does. When that occurs, of course, what the student instructor is teaching may not at all be what the learner is learning.

(b) Allness: Many people have an "allness" attitude--they see the world in terms of general principles which to them are true. In contrast, the legal system employs what James White has termed an "invisible discourse."[2] The legal system qualifies all general principles; all legal rules are subject to other, unstated legal rules. One might have some success communicating the general rule, but less success conveying the important qualifications to which it is subject.

For instance, if one were discussing with a class the circumstances under which a murderer might be sentenced to death, would one also remind the class that, among other prerequisites, the sentencing jury must be selected from a broad cross-section of the community? Would one also discuss the reasoning processes which jurors are likely to employ when trying to decide whether such circumstances exist? Probably not--it is neither possible nor wise to discuss all possible limitations of legal principles. Hence, the "allness" phenomenon interferes with accurate communication because students may accept as "almost always true" propositions that in reality are subject to many qualifications.

(c) Distracted Audiences: In the oral milieu in which they frequently find themselves, lawyers and teachers often comment on their listeners' inability to pay close attention. Thus, teachers may remark that students are reluctant to participate in discussions or that they do not understand questions; lawyers may complain that clients do not answer questions adequately or are not cooperative.

Often, however, a speaker is at least partly to blame for an inadequate response by a listener. A question that a lawyer or a teacher asks may seem clear to him or her, but may be too vague to a listener to spark an adequate response. For instance, the question, "What values does the First Amendment protect?" may be quite clear to a student instructor, yet have little meaning to high schoolers. Also, a question which a student instructor believes will invite a lengthy response may call only for a "yes" or "no" answer from a student: "Should school officials be able to search students' lockers whenever they want to?"

By analyzing the classroom communication process, one can help student instructors understand that the fault for breakdowns in communication is not always the fault of the listener. Both as teacher and as lawyer, they need to evaluate their own speaking style if they are to communicate effectively.

Exercises which may help to sensitize student instructors to communication difficulties and suggest potential ways of overcoming them appear in Appendix C3.

2. Similarities Between Teaching Law and Practicing Law

The objective is to focus on the many ways in which student instructors can gain insight into law practice issues from processes that occur as they teach. Rather than asking student instructors to perform in a number of prepared exercises, the professor attempts to accomplish this objective largely through class discussion of student instructors' experiences, either as they describe them in class or as they are observed in a personal visit. A variety of issues to be raised are addressed below.

A potential concern might be that discussion of how teaching law relates to practicing law is too speculative, because student instructors have no actual experience practicing law. However, the objective is to help student instructors realize that many of the processes that concern them as teachers are relevant to the practice of law and not to show them how to react in specific professional situations.

Student instructors need to recognize and learn to analyze what their behavior is in legally relevant settings. This process does not prescribe how they should react as a practicing lawyer.

An exercise that provides a useful example of a comparison between law teaching and the practice of law is based on a simple hypothetical situation in which an individual allegedly shoplifted an item from an electronics store. The problem consists of the store security guard's observations and the individual's innocent version.

The problem is distributed to three student instructors. Two student instructors play the role of lawyers, one a prosecutor and the other a criminal defense attorney. As lawyers, their task is to present a short closing argument to a jury (the rest of the class) based on the facts in the problem. The third student instructor plays the role of a teacher and lectures the class briefly on criminal law as it pertains to shoplifting.

Following the presentation of arguments, the class compares the arguments to the lecture. Some of the issues of interest to student instructors include: Did the lawyers review the facts of the case in their argument, and if so, was it necessary? Did the teacher use the facts of the case to reduce the abstraction and add to the interest of the lecture? Was the teacher's verbal style and body language different from that of the lawyers, and was the difference warranted? Were the lawyers less different from each other than the teacher was from the lawyers? Did the student instructors' ability to ask questions during the lecture, compared to jurors' inability to ask questions during argument, produce differences in coverage? Which was more interesting to deliver or listen to, and why?

Some of the many processes on which to focus during class discussions are: response to questions, feelings of frustration, writing, stating personal opinions, entertaining the audience, and team teaching.

(a) Response to Questions

One process with apparent parallels to the practice of law is that by which student instructors respond to questions. For example, during a class a student instructor is asked, "Is it car theft if you just take a car for a few hours?" The student instructor may, among other possibilities,

* give a direct response to what the student instructor sees as a question of limited scope: "Since you have to intend to deprive the owner of possession permanently, no."

* seek to find out whether the high school student's question was prompted by broader concerns than simply

seeking information: "Tell me a bit more about what you have in mind."

* use the question as a basis to lecture the entire class on the topic: "That is a good question, but why don't we look at the various criminal laws that might apply when you drive someone else's car."

* begin a Socratic-style dialogue to help the student toward an answer: "Should it be important that the person intended to return the car?"

* realize that the student instructor does not know the answer, and promise to find out: "I'm not really sure, and I don't want to give you the wrong answer. I'll check and let you know next time."

Depending upon the context in which the question is asked, a lawyer may have many of the same response options. For example, if the question were asked by a client, the lawyer might consider a simple, direct response; might ask if the client has broader concerns; or might have to promise to find out. Student instructors should realize that there is nothing unique to teaching about having to respond to questions; they will be met with questions throughout their professional lives.

For example, many student instructors, perhaps because of patterns ingrained in them by parents and teachers, feel pressure to respond directly to questions. Yet, a short, direct answer may not respond to a student's or client's "real" concern, or may convey too much information to an adversary during negotiation.[3] Hence, student instructors should be encouraged to examine their responses, and to consider whether those same responses would be appropriate if the question had been asked by a client, a judge, opposing counsel, etc.

Student instructors should understand that how they respond to questions in a classroom situation is an indication of how they are likely to respond when practicing law.

(b) Feelings of Frustration

A second potential area of discussion is the frustration that some student instructors may experience when they teach Street Law. Even student instructors who feel that teaching in high school was one of their most worthwhile law school experiences often are frustrated by high schoolers who neither prepare for class nor hand in homework, or whose difficulty in handling legal concepts is a product of poor reading and analytic skills generally.

The professor may help the student instructors come to realize that they are likely to encounter similar frustrations in the practice of law. For example, lawyers often ask their clients to take certain actions -- prepare or gather documents, perhaps -- that the clients simply fail to do. Likewise, lawyers often realize that an immediate legal difficulty facing a client is merely a symptom whose root cause may be such matters as anti-social attitudes or sloppy business practices.

Both teacher and lawyer could ignore the problems by adopting an attitude of "It's her life, not mine." However, when teachers find they care more about a student's learning than does the student, or when lawyers find they care more about their cases than their clients, feelings of frustration are inevitable. And because the frustrations of teachers and lawyers often spring from similar sources, student instructors should learn to examine their feelings to help them cope with frustration.

For example, what is the source of the frustration? Does it grow out of a sense of obligation to educate all of the students, out of feelings of personal empathy with the high schoolers, or out of a personal desire to win, whether it be a case or a student's mind?

How do the student instructors cope with their feelings? Do they want to get out of teaching? Do they simply ignore those who are the cause of their frustration? Do they get angry and verbalize their anger? What might their reactions be if they encounter similar frustrations in the practice of law?

(c) Writing

Student instructors often prepare written materials for their students -- perhaps explaining a case or an exercise or summarizing a body of doctrine. Written communication of legal materials to laypeople is a task that lawyers perform frequently. But the task is frequently overlooked in law schools, where students' writing consists primarily of final exams, mock appellate briefs and term papers.

Written work provides opportunities to consider whether the student instructor's writing style differs from the style to be used in a brief or a letter to opposing counsel. In what ways do they differ, and are these differences appropriate? For example, do they use simpler vocabulary, or explain abstract terms? Are the materials for high school students paternalistic in tone? Student instructors should understand that they want to develop an ability to suit the written word to the intended audience, and that the intended audience for materials they prepare for Street Law resembles the lay type of audience they will write to frequently when practicing law.

(d) Stating Personal Opinions

Student instructors are often concerned about the extent to which they ought to give their personal opinions on issues that arise in high school classrooms. For instance, if a class is discussing abortion, should a student instructor state explicitly the instructor's attitude toward abortion and what the law "ought" to be? This concern mirrors the concern of the practicing lawyer wondering whether to express an explicit opinion to a client as to what action the client should take.

Just as teachers are concerned not to take advantage of their position of authority to influence students' opinions toward political issues, so are lawyers frequently concerned not to take advantage of their position to influence decisions which, certainly according to the profession's ethical rules, are for clients to make.[4]

Similarly, student instructors may have to "teach" laws with which they personally disagree. To stay in the abortion context, a student instructor may have to explain the context of Roe v. Wade (or Missouri v. Reproductive Health Services), despite believing that the case was wrongly decided. Is the task one that the student instructor can carry out comfortably? Even if the student instructor chooses not to verbalize his or her misgivings, do those misgivings nevertheless surface indirectly? For example, does the student instructor explore the case rather cursorily?

Student instructors should understand that as lawyers, they may at times have to counsel and carry out decisions which are legally proper, yet personally unpalatable. For example, a client may ask a lawyer to evict a tenant who has fallen behind in rent, even though the lawyer knows that the tenant lost his job and that the client has no immediate need for cash. By analyzing their actions in a teaching context, student instructors gain insight into how they might react as lawyers.

(e) Entertaining the Audience

To what extent do teachers and litigators have to be entertaining as well as competent presenters of information? Educating students resembles trying a case to a jury -- in each case, one presents information to laypeople in the hope that they will act on it. A litigator's hope is a favorable verdict; a teacher's hope is good exams and perhaps positively influencing students' future conduct. But both teacher and litigator share a common fear -- if the audience is bored and uninterested, no learning will occur and no favorable action will be forthcoming.

Student instructors typically realize that lectures and discussion alone are not enough to motivate learning. They must

5.2.7 Use of Peer Teaching (MAF)

Most law school projects use peer teaching by student instructors in their seminar to give student instructors an opportunity to try out a lesson with a friendly audience, to learn substantive law in a particular area, to receive feedback on their teaching style, to demonstrate a particular teaching strategy, and to introduce the other student instructors to different styles and methods.

Student instructors appreciate having an opportunity early in the semester to do their peer teaching. This gives them some reassurance that they will be successful in class. It is possible to run concurrent peer teaching sessions when additional teaching staff is available.

One method for peer teaching is to assign all student instructors (singly or in their teams if they are team teaching) to a particular topic and a particular method to be taught at future seminars. For example, one student instructor (or team) may be assigned to teach search and seizure using the case method; another to teach search and seizure using a roleplay; another to teach domestic violence using an opinion poll; another to teach contracts using a visual aid. Along with the assignments, student instructors should be given a handout describing the particular method.

Prior to the peer teaching event, student instructors attend a "tutorial" with the professor. At the tutorial, student instructors are expected to present a written lesson plan and demonstrate a knowledge of the substantive law and method. Occasionally, student instructors will be stymied about how to present the material. The tutorial allows the professor to make suggestions and to ensure that the best possible peer teaching will occur.

Student instructors are normally permitted approximately 30 minutes to present their lesson. They are to set the stage prior to teaching. That is, they describe who the student body is and how this particular lesson fits into their ongoing class. So, for example, student instructors may announce that they are teaching the exceptions to the search warrant requirement to a community group, that they have already presented the fourth amendment and state law on privacy in a prior class, and that they will focus on the case study to apply the principles already learned.

Student instructors in the "audience" at the seminar are instructed to view the class as typical members of the student instructors' audience, whether that be high school students, prison inmates, community members, or others. (Sometimes to prompt certain issues in the classroom, student instructors can be assigned roles to play. For instance, a student instructor can be programmed to be unresponsive due to family problems, a comedian, a loud-mouth who instructs the class how to handle certain issues that may likely arise.)

The audience should be instructed to view the methods used critically. After the class is taught, debriefing will occur. The student instructors should have the first opportunity to describe how they thought the class went, whether they liked it, and whether they would do something different if they had the opportunity. Allowing them to go first diffuses the impact of any problems that the instructing students might have encountered.

Then the debriefing should focus on what the student instructors did well. This can be done by having each student instructor in the audience say at least one thing that was done well or by calling upon raised hands. Subsequently, the focus should be on areas for improvement. The tone set in these activities should be supportive and constructive. Some professors may choose to videotape peer teaching sessions for later viewing by the student instructors, while others believe that videotaping so early in their teaching careers may put too much pressure on the student instructors.

5.2.8 Writing Lesson Plans (MAF)

Student instructors should get written materials, perhaps as part of their clinical handbook, on the development of lesson plans. One format developed by the National Institute for Citizen Education in the Law reads this way.

The purpose of the lesson plan is to assist the student instructors in developing the capacity to focus their classroom presentations on the topics most beneficial to their students. A student instructor with a thoughtful, creative lesson plan will find the class session to be more enjoyable, more comfortable, and more successful.

The first step in writing the lesson plan is a thorough reading of the chapter or unit in the student text and teacher's manual, plus a review of the available teaching materials provided in the seminar. Student instructors need only read that portion of the unit selected for the semester.

After this initial reading, the student instructor can write the first portion of the lesson plan, which may be set up this way:

Lesson: (Topic to be taught)

Time: (Number of hours to teach)

Goals: Goals are broad descriptions of the outcomes for students as a result of their work with the unit. The goals set up the thrust of the instruction and provide the basis for the development of the specific learning objectives for each section taught.

After the goals for the lesson are thus outlined, the student instructor is then ready to engage in perhaps the most stimulating intellectual activity which a student instructor can engage in prior to class--the determination of objectives for the class. In order that students derive maximum benefit from the Street Law course, it is essential that student instructors articulate several fundamentally different, though interrelated kinds of objectives. These objectives--the specific desired outcomes of instruction--can be categorized under the headings of knowledge, skills and attitudes.

Knowledge objectives: These consist of those outcomes of instruction related to students' obtaining and understanding specific information. For example, a knowledge objective might be that students would be able to state four exceptions to the search warrant requirement.

Skill objectives: These assume that certain knowledge has been learned and that, when applied, it will change behaviors. For example, a skills objective for a student who learns the important things to know about hiring an attorney is the ability to interview and then decide whether to hire an attorney.

Attitude objectives: These are sometimes difficult to distinguish from knowledge and skills, but they focus primarily on the students' feelings. For example, an attitude objective may be confidence that, despite some exceptions, most police attempt to protect the rights of all members of the community.

The next area of the unit plan is the classroom activities section. This section, by far, is the longest portion of the lesson plan. It will tell you what to do in your class and in what order. The activities selected should be varied to keep interest high and appropriate to the desired outcome. For example, doing a housing law case study might be interesting but would not be appropriate to teach negotiation with the landlord.

In devising the activities section, student instructors should be particularly aware of classroom problems when teachers lecture too much. A useful rule of thumb is to plan an activity for the major portion of each and every class. Activities that work particularly well include roleplays, simulations, open-ended discussions, case studies, hypotheticals, group work, debates, high school student presentations, and value clarifying techniques.

Evaluation is the next portion of the lesson plan. What activities will the student instructor use to determine whether the learners have achieved the objectives through the methods used? When the student instructors have completed this section of the lesson plan, it is a good idea to return to the goals and trace through the objectives, methods and evaluation section to ensure there is continuity. Frequently, new instructors identify goals that are not served by objectives, methods or evaluation or include methods that serve no objectives or goals.

Assignments should be made at every class. Consider required readings, written work and necessary preparation for classroom activities. Have students apply learned lessons to real life situations or poll fellow students outside of class on their opinions on legal topics. Have students use outside resources to discover additional relevant information on legal topics.

See Appendix I1 for a sample lesson plan illustrating the procedure described above.

5.2.9 Coaching with Videotape

5.2.10 Teaching by Field Supervision

5.2.11 Writing and Presentation of Student Instructor Papers

5.2.12 Infusing Educational Theory into Law Practice

Chapter 6. Evaluation

6.1 Evaluation of Student Instructors

6.1.1 An Overview of Evaluation of Student Instructor Performance (MAF)

Evaluation in the seminar is an on-going process that serves to (1) ensure a consistent quality of service to the schools and students; (2) provide student instructors with advice and direction in their educational development; and (3) provide input for grading student instructor performance.

The professor will have opportunities to evaluate the field component through on-site classroom visits, individual conferences with student instructors, input from the cooperating teacher, small group meetings and informal contacts. Observations in the classroom are held two to three times during the semester. After each visit, the student instructor team and professor meet. Together they review the classroom performance, identifying areas of progress and needed growth.

If journals are required, the continuity of classes can be better ascertained. Additionally, student instructors' own evaluation of their classes helps the professor to determine whether student instructors have insight into their own teaching process, as well as alerting the professor to problems or issues that might not otherwise be evident.

The degree to which student instructors have prepared for their teaching activities is, of course, most evident in the classroom. Classroom visits reveal a large part of the amount and quality of preparation. Lesson plans and materials also evidence this. Lesson plans which are submitted on a regular basis are evaluated.

Evaluation of seminar performance is conducted at the seminar by observation of the extent and quality of the student instructor's participation. Student instructors will be required to participate in a variety of activities in class, complete written materials, and ask appropriate questions. Each student instructor will have a part in enacting a mock trial as well as in peer teaching to the rest of the class.

There exists a wide variety of grading processes and standards. The balance of this section is a description of the processes at several law schools.

1. Professor Steve Friedland of Nova University finds that evaluating student instructors is a difficult task even in the most traditional of substantive course settings. Grading is especially difficult in the seminar, because the class has a field component and may involve little written work.

If a graded evaluation is necessary, he suggests that some attempt should be made to use objective criteria. For the "objective" component, a short paper is preferable to an examination. The paper should focus on a substantive area of law covered in the course and take the form of a traditional research paper. The paper could include a component on teaching methodology, specifically, how to teach others the subject discussed. In addition to the research paper, student instructors should maintain lesson plans for each of their classes. The lesson plans can be evaluated based on their depth, precision, and thought. See Section 6.1.4, Evaluating Student Instructor Lesson Plans.

The teaching proficiency of the student instructors can - but should not - be graded. Student instructors come to the class with different levels of experience and aptitude for teaching, and teach in a wide variety of settings, precluding uniform measurement. The lack of a grade does not foreclose, however, requiring a minimum level of teaching competency after discounting for special circumstances. The professor should provide feedback to the student instructors on their teaching skills.

2. Professor Margaret E. Armancas-Fisher at the University of Puget Sound proposes that grading be done with a letter grade. Student instructors are informed at the start of the course how they will be graded.

Variables among student instructors and their teaching environments can be adequately considered. Student instructors vary in the strengths and experiences they bring to this program, but this is true for performance in other classes. Student instructors with experience as arbitrators, debaters, paralegals, or with innate analytic talent have advantages over those who do not. Variations in teaching environments can be taken into account by observation and careful consultation with cooperating teachers and the student instructors.

Grading can be done by assigning the components of the program a weight. For example, one could assign:

Field Component	45%
Planning & Preparation	20%
Seminar	35%

The percentages are for qualitative evaluation of work performed. A student instructor who does not perform in any one of the major components may fail despite performance of the others.

Student instructors receive letter grades for prescribed activities that occur throughout the course. In the field component, student instructors are given letter grades for the two graded observations during the semester (adjusted for special circumstance), the letter grade assigned by the cooperating teacher (in addition to a written checklist report), and the quality of the mock trial put on by their own students.

Another approach is to have the first observation ungraded but evaluated, with the second or third observation graded.

For Planning and Preparation student instructors receive a grade for each submission of their journal and for the mini-lesson plan written as a first exercise.

For Seminar, student instructors receive letter grades for attendance, participation, peer teaching, and performance in the mock trial. Student instructors who volunteer for the part of attorney in the trial receive an additional letter grade of "A".

To arrive at a letter grade for observations of the teaching component, the professor provides a form to the student instructors which detail the criteria to be graded (and also the characteristics of a good Street Law student instructor!). At each observation, the form is completed and a letter grade assigned for that class. The observations are videotaped so student instructors may review the class with the critique form.

The professor arrives ten to fifteen minutes before the student instructors' class to receive a copy of the lesson plan and information about what will take place and how the lesson fits into the overall flow of the course.

The form used during observations is a check-off with room for comments. The form appears as Appendix O2.

3. The St. Louis University School of Law's Youth and the Law program assigns 45% of the grade to teaching, 5% to class participation and preparation and 50% to a paper.

The paper requirement is to reflect what was learned during the semester: the ability to communicate with lay people, teaching strategies, and understanding an area of the law. It is a three-part paper. The first part may be in the form of a magazine article, pamphlet, or any other format. It can be geared to high school students or any other audience. It should be interesting and relevant to a particular need of the audience. The second part is a legal memorandum containing the law and resources used to produce the first part of the paper. The third part is a lesson on how to present this paper to the audience.

4. At the University of California at Los Angeles Professor Paul Bergman carries out his philosophy that student instructors take comfort in sitting somewhat anonymously in classes, keeping up with reading assignments, and awaiting the silent evaluation of exams. Not so student instructors. They are willing to do what professors do, usually with far less preparation and respect

and certainly with far less social and economic recognition. For putting knowledge and ego on the line a couple of times a week before tough crowds, a student instructor earns a high mark.

This philosophy is applied straightforwardly. All student instructors are told at the beginning of the term that completing the course requirements earns them an "85." In the UCLA grading scheme, this is equivalent to a low A. Thus, student instructors who attend all seminar meetings, fulfill their teaching duties, and complete a term paper will earn an A. As long as they go about their duties in a professional manner, they will earn an "A" regardless of their effectiveness in the classroom.

The "automatic 85" allows room both for additional reward and for umbrage. A student instructor whose effort is in some way extraordinary may receive a grade higher than 85. Perhaps a student instructor makes rich contributions to the weekly seminar meetings, or assigns much written work to the high school students and carefully critiques it, or writes a term paper with rich and unique insights. Such student instructors will earn higher grades.

On the other hand, once in a rare while a student instructor may attend seminars sporadically or make a half-hearted teaching effort. If a bit of friendly professor-student instructor dialogue does not cure the problem, a grade of lower than 85 will result.

This grading method encourages a positive attitude in student instructors. The student instructors feel in control of their graded destiny. They do not fear that taking a chance with unfamiliar materials or teaching methods may cost them a high grade. It tells them explicitly that their commitment is highly valued and fosters an appreciation of the value of their own commitment.

Student instructors are not encouraged to enroll in the course only "for the grade." A Street Law course is too much work for a student who is interested only in a good grade. And if a student instructor does enroll just for the grade? No problem -- the student instructor will earn it.

6.1.2 A Complete Example: Evaluating Student Instructors in the Georgeown University Street Law Program (SG)

Purpose or Objectives:

There are a number of means by which student instructors are evaluated in the Street Law High Schools clinic. Student instructors' progress is observed and evaluated throughout the year. Student instructors receive a grade for the clinic at the conclusion of their second semester in the program. Our goals are that the student instructors demonstrate understanding and use of guidelines and goals set forth in the clinic handbook. We train the student instructors to teach law to high school students in the clinic, which will in turn enhance their performance as lawyers in the future.

Methodology:

The **field supervision** provides the basis and therefore the most important aspect for academic evaluation of the student instructor. The field supervision is a series of classroom observations, which provide subpoints of evaluative means accomplished through post visit conferences, which I refer to as **feedback sessions, demonstration and practice teaching sessions,** small group meetings, known as **rounds; pre-visit** or pre-demonstration **planning sessions.** Student instructors are also evaluated on their daily written **lesson plans** which are turned in monthly, along with the **journal,** where they keep a reflective note of their classroom experience.

The lesson plans, and field observations enable the clinic staff to check to see whether our goals and objectives for the clinic, as well as those for the student instructors and their students are being met. I will discuss some of these below. In reading the lesson plans and observing the student instructors we look for:

1. overall substance and accuracy of the lessons,
2. the student instructors' **innovativeness or creativity** in developing and presenting the lesson,
3. the **probative or challenging value** of the lesson,
4. the **appropriateness** of the lesson to the goals of the clinic and the target group they are working with,
5. the communications skill and poise of the student instructor, and

6. **administrative** competence, such as clarity of materials, turning materials in on time, seminar attendance and participation.

As a result of the field observations which occur throughout the school year and reviewing student instructors' materials (lesson plans), we are able to evaluate the student instructor's strengths and weaknesses. We can recognize potential problems of the student instructor, his or her students, or the school. We discuss progress and what was observed. We help student instructors find solutions to problems, if any. We can brainstorm plans and goals for areas that need development.

In the rest of this section I will focus on what I look for when observing a student instructor teaching, including my scrutiny of the lesson plan. The post-visit feedback session will be conducted based on the criteria I will set forth below. In reviewing the lesson plans we look for legal accuracy, how it is written, the use of language, the appropriateness of the material, how it is utilized in the classroom, and the design of the written lesson plan. The academic grade of the student instructor is given based on the methods referred to in preceding paragraphs.

Criteria:

I. What I Am Looking For When Observing a Student Instructor Teaching:

I have developed an outline of seven major aspects of teaching which I look at when observing a student instructor in the classroom and use for evaluative purposes. Each of the areas encompasses a few important subpoints. This serves to help me check off all the points of importance when critiquing a student instructor's lesson.

1. The lesson plan is the basis upon which student-teacher interaction is established. A well organized and formulated lesson plan will guide a classroom experience to its desired objectives. An integral part of my evaluation of the effectiveness of a student instructor is therefore a review of the lesson plan.

A. Was the lesson plan set up in an effective manner?

1. Did the student instructor establish objectives which were appropriately defined for a single period lesson? Should the subject matter covered have been broken down into more than one lesson?

        2. Was the objective for the lesson plan well-suited for the class that day? Were the students ready for the lesson? Were the abilities of the students considered?

    B. Were the lesson plans themselves clear and well thought out? Was there enough preparation on the part of the student instructor and on the part of the students?

    C. How was the execution of the lesson itself?

        1. Did the student instructor consistently keep the focus of the students on the original lesson plan?

        2. If not, was it appropriate to diverge from the original plan? Was the student instructor flexible by departing, if necessary, from the original lesson plan?

2. I look at the ability of the student instructor to choose a topic for a lesson and break down the topic so that it is at an appropriate level for the target group.

    A. I look to see how the student instructor is able to explain something to those who do not "know," who are unfamiliar with the subject. I ask myself whether the student instructor has, in developing and presenting the lesson, given attention to and recognized the needs of the students?

    B. Is the student instructor able to balance the needs of the individual students in the class with those needs of the group?

    C. Are the sociological and economic implications, cultural differences, and the individual abilities considered when the student instructor prepares and presents the lesson?

3. In accordance with this, I consider one of the most important strengths in presenting a strong and successful lesson the ability of the student instructor to formulate questions.

    A. Are the level of questions being asked by the student instructor appropriate for the students for that stage in the lesson? Are the questions beneficial to the objectives of the lesson? Are the questions divergent or convergent in nature? I watch for questions which ask for too much at one time.

B. I watch for the amount of time that elapses between questions and between the time another student is called upon to answer the question.

4. As important as the ability to ask a good question in an appropriate way is the ability to field and answer questions from students.

A. It is helpful if the student instructor has a good grounding in the subject area, but being an expert is not necessary. There are ways to present a successful lesson without being an expert in the subject. I look to see how prepared and how familiar the student instructor is with the material. Is the student instructor credible? Is the student instructor adept enough in the subject area to speak extemporaneously on the subject, or in response to a question?

B. I look for spontaneity on the part of the student instructor. I observe the level of comfort with which the student instructor fields the students' questions so that answers are constructive and helpful to each of the students, and keep the pace of the lesson moving.

5. Another aspect of evaluating a student instructor is analyzing what educational methods the student instructor utilized or demonstrated during my observation? How recognizable were these methods, and how were they employed throughout the session?

6. Were classroom management techniques demonstrated by the student instructor? Was there a workable situation? Were the discipline techniques utilized effective? Was there reinforcement and follow through of these techniques on the part of the student instructor? Were clear policy rules and expectations established by the student instructor, such as homework requirements, students arriving late for class, bringing their books to class? Were they realistic?

7. An inherent component in determining the effectiveness of a lesson, is the student instructor's presence in the classroom (not just being "there," but being **"there!"**). While it is an implicit trait rather than an explicit trait, since communication is such an important aspect of teaching, it has a major impact on the success of an educational experience.

A. How were his/her communication skills?

B. Was the student instructor poised in the presentation?

1. Did the sutdent instructor utilize the voice to vary the inflection.

2. How did the student instructor use his/her body, facial expressions, hands?

3. How was the appearance of the student instructor? Was it appropriate for the setting?

II. Feedback to a Student Instructor:

My objective is to critique the lesson plan and the lesson itself. I accomplish this by setting goals for the feedback to the student instructor which will encourage improvement upon the techniques in future sessions. By providing concrete examples of what was observed and clearly stating strengths and weaknesses for the student instructor from my observation, I intend to enable the student instructor to work with the lesson plan and to improve upon it and develop goals for future lessons. I conduct the feedback session in a logical progression and in a relaxed atmosphere, in order to promote learning and encouragement.

I will commence the feedback session by having the student instructor reflect on the performance. Determining whether the student instructor can see areas for improvement in the lesson as it was implemented in comparison to the initial lesson plan will assist me in evaluating the performance. If the student instructor can recognize places where changes need to be made, I can then use this as a way to guide the feedback session following the seven steps I set as evaluative objectives for myself. I stress the importance of the PLAN/DO/REFLECT method (this is the reflect part) with the student instructor, endeavoring to develop an open dialogue by creating the right atmosphere for discussion. I avoid antagonistic feelings by presenting information to the student instructor in a non-threatening way, so that the lines of communication are kept open for future discussions.

My **objectives** for the feedback session are to give advice that is correct, positive and constructive. I encourage the student instructor to participate in the critiquing process by asking open-ended questions and utilizing active listening techniques. While we do not dwell on the negative, I want to make sure the deficiencies in the student instructor's presentation are clearly grasped so that we may explore ways to improve performance throughout the school year.

III. Methodology: How I Envision Working With a Student Instructor During the Course of the Year.

Criteria or Goals for the school year for a student instructor would include:

- design a semester plan of study (long term outline of where lessons lead)
- prepare the written daily lesson plan
- employ and design material that is appropriate for the students
- create questions to engage students and raise their critical thinking levels
- utilize educational methods presented in seminar and in materials given to student instructors
- develop communication skills-poise, presence, rapport
- utilize time well
- set policy in the classroom

General hints for success in the classroom will be paired with special examples from my observations. Through the extensive use of questions, I guide the feedback session, in order to enable the student instructor to understand for what s/he needs to do in most instances, and provide suggestions in others.

I suggest to the student instructor that together we should compare the paper lesson plan with what actually occurred. Did s/he utilize the objectives? I will ask the student instructor for impressions on the way the lesson transpired.

Daily lesson plans should be written out, and objectives clearly stated. Although sometimes tedious, this is beneficial in creating a lesson plan as it provides additional acquaintance with the material the student instructor will be presenting. A student instructor should carefully prepare for a lesson. In preparation, the student instructor should write down anticipated student questions and think about how to respond to these inquiries. It is helpful to consider one or more different educational theories when planning and implementing a lesson. These theories can serve as guidelines to follow. I ask the student instructor to consider where the lesson is heading and where it fits into the unit plan.

The written lesson plan should include a plan on how to review or debrief. This is essential to a lesson, and time should always be allowed for it. The students should be alerted as to what is going to be covered in the next lesson. The student instructor can even assign follow up questions in lieu of a homework assignment.

Activities that the student instructor plans should be appropriate for the class. They should be student-centered. Student instructors must be conscious of the socio-economic conditions, cultural differences, home life, and learning disabilities of the students they are working with.

A student instructor must allow time, after a question, for the students to receive and respond to ideas. The student instructor can help to foster an atmosphere where all feel comfortable to speak out and contribute to the discussion. The student instructor should provide opportunities for observation and investigation into topics that are brought up by students. When necessary, the student instructor should be flexible enough to quickly alter original plans.

A method of bringing up the level of conversation is by the way the student instructor phrases questions. If the students are giving monosyllabic answers, they should be asked more questions to get more of an answer. The students should be informed that in this type of subject, there is not necessarily one right or wrong answer; a number of different responses would be acceptable.

The student instructor's ability to communicate with students will exemplify itself in discussion sessions with the students.

If the feedback session with the student instructor is conducted in a proper atmosphere the lines of communication will remain open. Ideally, the student instructor will be influenced by the session to go back in the classroom and employ some of the same feedback techniques in teaching.

Evaluating a student instructor is complex and the need to keep constant up-to-date records cannot be stressed enough. Without continuous meetings both formally and informally with student instructors, before and after classroom observations and demonstration teachings, and on-going review of written materials--without all of that--the evaluative process cannot be fairly or constructively completed.

6.1.3 **General Expectations with Teams** (MAF)

The basics of team teaching which can be expected in a first teaching experience include having each team prepare its lesson plan jointly and having each student instructor be responsible for a portion of each class (roughly half). During the time that the other has primary responsibility, the supporting instructor should be actively engaged in the class. Support might include writing on the board or overhead as items are brainstormed, monitoring the class for participation and comprehension, circulating during small group work, attending to problems in the classroom, and keeping the energy centered on the class.

As questions are posed or information is presented, the supporting student instructor should contribute relevant items, provided it can be done fairly smoothly. Student instructors are encouraged to orchestrate ways of correcting mistakes made by the other, for instance, by stating, "Well, I have agreed with everything you've said so far, but I think the issue is ... ."

When teams are observed, the professor should comment on the way in which the team members are cooperating. This is another way to teach how to teach in teams.

On occasion, a particular team will not "work out" -- one complains that the other fails to meet obligations, does not fairly share the teaching time either by taking more or less than their share, bores the students, fails to use participatory techniques, attempts to dominate the other, expresses views found unacceptable to the other, etc. This situation then becomes another learning opportunity to deal with a situation which may occur in the practice of law.

Student instructors are required to set appropriate limits, to demand cooperation and to continue to offer a quality program despite their differences.

6.1.4 **Solo Student Instructors**

6.1.5 Evaluating Student Instructor Lesson Plans (MAF)

An activity that helps the professor to determine early the starting point of each student instructor is to require them to prepare a "mini-lesson plan" for the second or third seminar. This assignment also begins the process of evaluating lesson plans.

The assignment requires student instructors to develop a portion of a lesson plan that the student instructor would use in teaching students a basic concept from the materials. They should be cautioned that the lesson should last about 20 minutes and that the one mistake made most often is failure to narrow the chosen topic to a 20-minute segment.

At the next seminar, some student instructors are called upon or volunteer to teach their lesson to the rest. Student instructors may be given the option to prepare the assignment with another person. The criteria for evaluation of the mini-lesson plan is the same as for later lesson plans actually taught.

The criteria for evaluating lesson plans include a knowledge of the goals and objectives of LRE; knowledge of substantive law, teaching resources and community legal resources; ability to set realistic objectives and to plan activities to achieve those objectives; ability to translate legal concepts into materials that their students can use and understand; organization of time and work; creativity of approach; and ability to design and use evaluation instruments.

Lesson plans should be evaluated to ensure that all the components are present and are correctly used. It is common for some plans to be missing an evaluation or an assignment section. Continuity from goals through objectives and methods should be carefully examined. Many times goals are stated which are unrelated to the objectives or methods. Alternatively, methods appear that bear no relationship to stated objectives, and objectives are adamantly set forth with no matching methods.

The objectives need to state specific measurable outcomes. This is almost always a failing of plans written early in the term.

Estimating the time required takes some experience, and even then classroom interest and events may dislocate any plan. However, obviously over- or underestimated time factors should be noted.

Student instructors' choice of subject matter may also merit attention. Have they chosen topics that meet the established selection criteria?

The methods also need close scrutiny as to the level of participation. Many first time drafters list a series of "points" to be made in class without addressing any methodology. The methods should be the longest part of the plan and, especially in the first plans drafted by the student instructors, should be overly detailed. Questions presented to students should indicate the answers to be sought from the students as a checklist for the student instructors. The mechanics of each method should be set out in some detail. So, for example, student instructors should indicate for a roleplay that roleplayers will be prepared by which student instructor and what they will be told, that the class will be assigned to watch and write down certain events that occur during the roleplay, etc.

Over the course of time, do the plans reflect a variety of methods, or do the same old methods get used over and over?

Does "discussion" get used to hide lectures? The professor should make sure that discussion is actually structured around an issue.

Is the content of the lesson plan abstract or concrete? If lectures appear in the plan, the professor should make sure that concrete hypotheticals that relate to the students' experience are also provided.

Will the students have sufficient information and skill to do what is required of them by the methods to be used? The necessary foundation can be given by handouts, short lectures with examples, brainstorming, question and answer, review of the reading assignment, classroom reading, etc.

If handouts are part of the lesson, are they incorporated into the plan? Otherwise, they end up in the trash.

Do the plans reflect that all sides of the issue are raised and that the presentations are balanced?

Efforts should be made to personalize the information, but this must be done sensitively. In a family law lesson plan student instructors once failed to be sensitive: they planned to ask how many students had been adopted.

When student instructors create their own materials, especially case studies and hypotheticals, the professor should make sure that the patterns are short, that they frame issues within the experience of the students, that they give the actors real names (rather than A did this to B), that handouts include the necessary facts and information to do what is asked, and that the purpose of the handout fits into the overall scheme.

Questions posed in the methods section should not be so open-ended or abstract that students will not know how to respond. The professor should think about what other potential answers the questions might solicit from students, since the student instructors will soon find that the students think for themselves.

An activity for the seminar that focusses on instructing about and evaluating lesson plans is to require student instructors to evaluate other student instructors' lesson plans. The professor pairs up student instructors on the basis of who can learn the most from the approach of another. For instance, the student instructor who uses few participatory methods is paired with one using creative participatory methods. Student instructors are free to use any information (handbook, assigned readings, etc.) to complete the exercise. The sample form on the next page guides the student instructors in such an evaluation.

EVALUATING LESSON PLANS

YOUR NAME:____

EVALUATED LESSON PLAN OF LAW STUDENT:_________________________

Directions: You will have fifteen minutes:

(1) to determine whether the learning objectives stated in the search and seizure or interrogation lesson plan are measurable. If they are not, rewrite them based on the content presented by the methods.

(2) to determine whether the methods supply content addressed in the objectives. Indicate what, if anything, is missing.

(3) to analyze the evaluation section of the plan to see how and to what degree the evaluation strategy measures the objectives stated. If the evaluation strategy is not sufficient, design a formative evaluation.

I will collect and evaluate this exercise. My purpose is to determine to what extent each of you has learned the requirements of good evaluation in the classroom. Please note that your analysis of a fellow law student's lesson plan will have no bearing on that law student's grade.

(1) LEARNING OBJECTIVES ARE/ARE NOT MEASURABLE. Please explain your answer, rewriting any objectives to be measurable.

(2) METHODS DO/DO NOT SUPPLY CONTENT ADDRESSED IN OBJECTIVES. Please explain your answer, indicating what, if any, objectives are not addressed by methods.

(3) EVALUATION DOES/DOES NOT MEASURE OBJECTIVES STATED. Please explain your answer, stating how and to what degree the evaluation measures the objectives stated. If the evaluation strategy is not sufficient, design a formative evaluation to fit this lesson.

6.1.6 Positive Reinforcement in Evaluation (MAF)

To encourage student instructors to do the best job possible, the theme of evaluation should always be positive. For the most part, student instructors are not trained as educators and must learn new knowledge and skills. If student instructors are evaluated only as to their faults and deficiencies, their motivation and enthusiasm for the work will dwindle. People, whether clients, co-counsel, witnesses, or student instructors, are more likely to be responsive when encouraged in a positive way.

Therefore, any evaluation session with student instructors, whether for peer teaching, lesson plans, in-class teaching, written work, should begin with a description of what was done well. Even the most disastrous submission will have something positive that can be said for it.

For areas of needed improvement, the language of the professor can be structured to build up the student instructor rather than to destroy the latter's self-confidence. For example, a student instructor has mis-stated the law during the observation. This area should be corrected and may be best approached this way. "For the most part, what you said in class was exactly accurate. There was one area, however, which was not right and it is important that we make sure everyone understands that correctly." Additionally, the professor can discuss with the student instructor how this might mirror a situation in which a lawyer gives incorrect information to a client and how that might then be handled.

6.2 Evaluation of Students -- Reserved

6.3 Evaluation of Cooperating Teachers -- Reserved

6.4 Evaluation of the Program

6.4.1 Student Instructors -- Reserved

6.4.2 Student -- Reserved

6.4.3 Staff -- Reserved

6.4.4 Professor and Program Director -- Reserved

6.4.5 Institutional Relationships -- Reserved

6.4.6 Identification of Program Needs -- Reserved

6.4.7 Sample Self-Assessment Tool -- Reserved

Chapter 7. ADMINISTRATION OF THE PROGRAM

Scope Note: This chapter identifies a broad range of administrative matters which merit attention, breaking them up into start up, beginning each year, day-to-day, wrap up, and making the program permanent.

Part 7.1 Program Start Up Issues

7.1.1 Starting Size (GBG)

It can be helpful to start small for experiment and then arrive at the size to be maintained as the norm. Street Law programs are organic.

7.1.2 Texts and Materials for Student Instructors and Students

7.1.3 Advisory Boards

7.1.4 Financial Matters

7.1.4.1 Funding (GBG)

Funding is potentially available from the U.S. Department of Education under its Law-Related Education Program and the Fund for the Improvement of Post-Secondary Education, other federal agencies, state and local departments of education, private foundations and corporations, state IOLTA funds, and bar associations. In pursuing funds from any of them it is important to value well the contributions being made in kind by the law school faculty and students and the many community resource people who can be involved in the program. It may be helpful to contact your state LRE coordinator for assistance in this area.

NICEL is also a good source of information and advice on this.

7.1.4.2 Fundraising

7.1.4.3 Budgetting

7.1.4.4 Costs of Materials Student Instructors Develop (GBG)

Student instructors are likely to be inventive. They will develop materials beyond what they are given. How will the costs of these be handled? This must be communicated to the student instructors up front.

7.1.4.5 Costs of Field Trips

7.1.4.6 Cost Control with Instructors (GBG)

The professor is not likely to be in the duplicating room when student instructors come to duplicate materials. Without a budget and controls on expenses incurred by student instructors there is considerable room for cost over-runs.

Cost control calls for a partnership between the program and the student instructors. They are the faculty.

Part 7.2 Beginning of the Year

7.2.1 Calendar of the Program (GBG)

Special care is called for with respect to matching holiday and examination periods of the schools involved. At the law school major placement events must also be considered.

7.2.2 Rooms for the Seminar (GBG)

The seminar will be more adventurous, flexible, and audio-visual than law school classes usually are. The room needs movable furniture, projector screens, well located electrical outlets, and easy access to the audio-visual equipment source. The room probably needs to be bigger than the name seminar suggests, because the student instructors are being prepared to teach in regular classrooms.

7.2.3 Recruitment and Selection of Student Instructors (GBG)

The student grapevine can go a long way once the program is underway. However, the program must maintain its own communication system apart from that to inform students of the seminar which is out of the mainstream of legal education, degree requirements, and thinking about the bar exam. In order dto ensure adequate representation of minority law students, meet with leaders of BALSA and LaRaza at the law school and seek their support and assistance.

7.2.4 Contacts with School Administrators and Cooperating Teachers

7.2.5 Instructional Equipment (GBG)

Use of law school, university, and school resources, e.g., audio-visual equipment, and duplicating services is important. It is important to get in writing for student instructors the ground rules for reserving and charging for equipment.

Film and videotape collections may be maintained in libraries. Special arrangements may be required to check them out.

7.2.6 Classrooms

7.2.7 Contacts in Community for Field Trips

7.2.8 Contacts with Legal Community

7.2.9 Resource Person Lists

7.2.10 The Program Handbook

See Appendix A5 for a sample from Georgetown.

7.2.11 Creating Teaching Teams (MAF)

Pairing students deserves some thoughtful analysis of the strengths and styles of the student instructors. By conducting two or more seminars with activities in which the law students express themselves, the law school instructor can better determine what students are more likely to be compatible.

Pairing persons of opposite sex and different racial backgrounds gives the team a wider perspective from which to teach. It also provides an important opportunity for professional working relations with people of potentially different backgrounds. At the University of Tennessee students are also usually paired for opposite learning styles.

Students may express an interest in being paired together because they are related, have had prior classes together, work together, have similar class schedules, live in the same area and can share transportation, etc. There may be no reason not to pair them up, subject to the schedules and recommended racial and sexual match.

Part 7.3 Day-to-Day

7.3.1 Record Keeping

7.3.2 Grading

See Part 6.1 for some help. Further information is scattered throughout the manual.

7.3.3 Communication

7.3.4 Publicity and Public Relations

7.3.5 Conflicts among Instructors and Teachers

7.3.6 Monitoring of Student Instructor Teaching

Part 7.4 Rewards and Wrapup

7.4.1 Recognition for Law and Other Students, Teachers

See certificates in Appendix O3.

7.4.2 Celebrations

7.4.3 Reports to Key People—Law School, Institutions, Supporters

Part 7.5 Making the Program Permanent (Institutionalization)

7.5.1 Law School Bulletin Re the Program

7.5.2 Relationship with the Law School (GBG)

Consider the program's connections to law school admissions, placement, faculty as resources for law students and seminar, and law school alumni concerns.

7.5.3 Ties with University (GBG)

Consider the possible ties to undergraduate admissions, recruitment, college of education, and educational equipment sources to mention a few. You may want to work with public relations/public information staff at the University to develop press/media coverage of your program. Be sure that stories about your program include favorable mention to cooperating schools, local funders, etc., and that these stories are sent to these people.

7.5.4 Program Alumni (GBG)

There is a basis for a continuing relationship with the program's alumni, e.g., mentoring, funding, team teaching with beginning student instructors.

7.5.5 Participation by Other Law Schools (GBG)

The University of San Francisco Street Law School has students enrolled from other law schools.

APPENDIX

A. Detailed descriptions of law school programs

A1. Street Law Program at Nova Law Center (Steve Friedland)

The Street Law Program at the Nova Law Center offers law students the opportunity to teach law-related subjects for credit to high school and middle school students. The subject matter is determined jointly by Nova Law Center and the participating schools on a school-by-school basis. While the precise subject matter may vary, the primary course content involves criminal law and procedure.

The Director made these choices in large part due to the demand for and excitement about criminal law and trial advocacy, stimulated by television shows such as "People's Court" and "L.A. Law," newspaper reports of real cases, and an increasing concern about crime in society.

To facilitate this focus the centerpiece of the semester-long program is a mock trial competition among most of the participating schools. The significant preparation required of the participants to achieve even a minimal proficiency in trial advocacy skills generally dictates the structure and content of the classes for the majority of the semester.

To prepare for the mock trial tournament, the law students are given the tournament problem -- usually a criminal case -- early in the semester. The law students use the tournament problem and other examples to teach the students about trial advocacy. The students learn how to make opening and closing arguments and to conduct direct and cross examinations. The students are also taught how to make and respond to simplified evidentiary objections.

The teaching methodology in classes for the high school and middle school students is "teaching by doing." The law student teacher begins by explaining how to exercise each of the trial skills, then demonstrates the skills, and finally provides feedback to the high school and middle school students who exercise the skills in the classroom.

To provide the students with a sufficient background and foundation for the trial advocacy portion of the program, law students first teach some of the basic principles of criminal law and procedure. Law students often cover such diverse subjects as the privilege against self-incrimination, bail procedures, probable cause for arrest, and the right to counsel in a criminal case.

The law students sometimes use appellate cases such as Miranda v. Arizona, 384 U.S. 436 (1966), to communicate the salient legal principles. More often than not, however, the students use a problem method to illustrate the significant points in each area of law. The problem approach involves centering a discussion around a hypothetical fact situation and involving the high school and middle school students through roleplaying and analytical questioning.

For the few schools that do not participate at all in the mock trial competition, the areas of law covered in the high school and middle school classes range from domestic relations to constitutional law. Constitutional law is generally the most popular alternative to trial advocacy. The carryover from the bicentennial of the Constitution and the considerable publicity surrounding many Supreme Court cases stimulates the interest of high school and middle school students and of their teachers as well. Consequently many classes touch on constitutional issues of freedom of speech, due process, and equal protection.

As teaching tools, law students use the Street Law textbook and a variety of other resources. The law students are encouraged to find additional resources of their own. In the past, these resources have included presentations by assistant county medical examiners, an adaptation of "Jack and the Beanstalk" to a criminal case, presentations by police officers, a documentary of jury deliberations in an actual criminal case, a simulated law class for high school students at the Law Center and law-related field trips.

A2. Street Law Program at the University of California at Los Angeles Law School (Paul B. Bergman)

The approach used at UCLA focuses the seminar on teaching methods and the similarities and distinctions between teaching law and practicing law. Except in response to a stray question, substantive law is not discussed in the seminar. Students are free to choose any area of law to present to high school students; law students are not all required to teach similar subject matter.

Procedural objectives make up the majority of the seminar. One set of objectives concerns analysis of teaching methods. Often, law students are so concerned about amassing enough material so there is no chance of being left with a minute of class with nothing to say that they largely neglect to consider how to present the material.

A car salesperson does not have a successful interaction unless a customer buys a car. Yet law students may think a class successful if they have dispensed a mass of accurate information, without thinking whether their students have learned it. Analysis of teaching methodology gives Street Law students an opportunity to think about how their actions affect the learning and behavior of their students. In particular, this program examines:

(a) An array of teaching methods and the typical advantages and disadvantages of each. For example, students might read about and discuss lectures, "Socratic dialogue", roleplays, the case method, simulation, small group discussions, one on one supervision, and the like. Readings on each of these methods are readily available, sometimes in a law-related context and sometimes in more general education materials.

By combining classroom analysis with actual experience, the instructor gives the law students an opportunity to consider different ways of teaching the same material, and to realize that effective teaching requires consideration of learners' needs. Moreover, the instructor helps law students realize that sometimes they are trying to enhance their students' cognitive awareness (e.g., teaching the elements for formation of a contract), while at other times they are trying to affect their students' behavior (e.g., what to do before signing a contract for the purchase of a car), and that their own objective may influence the teaching method they select.

(b) A second set of objectives is to make students aware of a variety of communication roadblocks. Classroom teaching is a form of oral communication, and teaching law-related materials is in many ways similar to counseling a client, negotiating with another lawyer, arguing to a jury, or engaging in other oral lawyering tasks. Each situation involves communication of legally relevant information in such a way that it can be understood and, generally, acted upon.

(c) A third set of objectives examines the many ways in which law students can gain insight into legal practice issues from processes that occur as they teach. These include responding to questions, feeling frustrated, writing, stating personal opinions, and entertaining the audience.

A3. The Street Law Program of the University of Puget Sound School of Law (Margaret Armancas-Fisher)

Law students are directed to teach selected sections from four of the six chapters of Street Law: Introduction to Law (2 hours), Criminal and Juvenile Justice Law (4 hours), Family Law (4 hours), Consumer Law (2 hours) and Individual Rights (2 hours). The mock trial preparation involves 10 hours of teaching time. While the students are assigned specific areas to teach, they are also informed that variation from the assigned program are possible provided the law students speak with the instructor ahead of time for approval.

Students are given free reign to select any areas of the Introduction to Law Chapter. Most students choose to teach The Case of the Shipwrecked Sailors since they are assured of a lively and interested first class. Many choose to use the Mind Walk, the Paper Clip Game, No Vehicles in the Park, Alternative Dispute Resolution Techniques, and the Comparison of Criminal and Civil Laws.

In many cases throughout each chapter, students adapt existing materials to their students. So, for instance, in the Shipwrecked Sailors Case, many will add a community viewpoint and a family viewpoint to the discussion because the victim issue is felt strongly.

In the Criminal and Juvenile Justice Chapter, law students are directed to teach about the nature and causes of crime, to present one crime to demonstrate act and intent requirements (they usually select murder), and then to focus on police interaction with citizens-- arrest, search and seizure, and interrogations.

The next topic taught is Family Law, where law students teach about the nature of families, marriage, dissolution, child custody and support, community property and domestic violence. Some of the Street Law text is substituted by lesson plans on Washington law in these areas. For instance, law students teach the Washington Domestic Violence Act and the Parenting Plan Act.

Students move from Family Law to two hours of Consumer Law. In this area they teach unfair and deceptive trade practices and contracts. Their presentations are supplemented by materials printed by the State Attorney General's Office. Law students are encouraged to take one area, for instance camping clubs, telemarketing, used cars sales, and teach it to students. Sometimes law students substitute an hour's class on landlord-tenant relations for an hour of Consumer Law.

Two hours are devoted to Individual Rights. The class relies on the text Teaching Today's Constitution, a lesson on school newspapers, and materials produced by the State American Civil Liberties Union. Sometimes in the Fall semester, students teach the constitutionality of state-sponsored Nativity Scenes, using Preview of U.S. Supreme Court Cases, published by the American Bar Association. State constitutional rights which are broader in many areas than the federal ones are taught here.

The last component of the program is the mock trial event. Competition is down played by having each class put its plaintiff and defense team against each other; there is no inter-school competition. The trial used is the one prepared by the National Institute for Citizen Education in the Law as adapted for Washington State. This ensures that the subject of the trial is topical and controversial. Law students spend two weeks teaching students trial advocacy, the substantive law and simplified rules of evidence.

A4. Street Law Program at the University of Tennessee College of Law (Grayfred B. Gray)

The approach at U.T. in a course called Teaching Clients the Law (3 semester hours credit) is to focus the seminar on teaching methods and how they correlate with various aspects of the practice of law. Teaching Clients the Law (TCL) is the law school seminar from which law students teach high school students. It began in the Fall of 1985. It was an outgrowth of a two quarter course taught at U.T. in 1978 and 1980. The subject has been Tennessee Family Law, but it could be anything in the Street Law text or anything for which materials are available.

The program is unusual among the Street Law projects in that the high school students are taught in the evening at the College of Law. The high school course is taught in the fall over a six week period, three hours per evening on a non-credit basis for 18 classroom hours. High school students are enrolled in the College of Practical Law, a program of the College of Law's Public Law Institute. In 1990 there were 90 students from 13 public and two private high schools. The students are admitted on the basis of interest and ability to carry such an extra-curricular activity without interfering in their other academic work.

Teaching Clients the Law's central thesis is that much of the time the attorney is, both practically and under the Code of Professional Responsibility, an educator whose task is to enable clients and others to make informed decisions in light of the law and the processes through which it works. The overall goal is for the law students to be able to inform clients and others about the law orally and in writing to enable them to make reliable decisions.

The focus of the law school seminar is on a set of performance objectives involving specific skills for the law and high school students. The overall goals are for the law students to be able (1) to inform clients and others about the law orally and in writing to enable them to make reliable decisions and (2) to evaluate relationships among legal rules and the components of the social system in which they operate. The performance objectives are listed at the end of this description. Two informal goals of the course are: (1) to develop law students' ability to conduct joint professional activities and (2) to improve their awareness of the effect of feelings on conduct and communication.

Tennessee family law is taught to the law students primarily through written materials. Resource people are the center of four classes: a juvenile court judge, divorce court judge, a social worker who works primarily with neglected and dependent children, and a social worker who works primarily with families in divorce. They participate in providing the students a realistic picture of how the legal system works and what kinds of effects it has on children and families.

The seminar is taught as an active, student-centered class in which practice teaching, workshops on problems that have arisen in the high school classes, small group problem solving, simulation of law firm activities, and the use of audio-visual aids are routine. The methods which the law students are expected to use are modeled in class, and a regular feature of the seminar sessions is class discussion and evaluation of the teaching methods used by the law professor that day. A second common feature of the seminar is discussion of how the teaching methods or their principles apply in different law practice settings.

The written communication portion of the course focuses on writing clear legal synthesis in which neither cases nor statutes are referred to in the body of the students' papers. The papers, on Tennessee or federal law, are thoroughly researched and fully footnoted; they generally become background materials for students in subsequent years. Each student not only submits both draft and final copies of the student's paper, but also critiques several other students' papers in writing and orally.

Each law student team teaches the full family law course, preparing detailed unit and lesson plans and all necessary materials for localizing the Street Law text to square with Tennessee law.

Because the law students begin teaching the high school course in early October, the seminar meets for about eight extra hours during the first three weeks of the semester. (See the syllabus in Appendix B2.) The extra hours include a day long practice teaching workshop which is video-taped and critiqued both contemporaneously by classmates and the instructor and in private team critique sessions with the instructor.

Grading in the course is 40% on teaching, 40% on a research paper written as a legal synthesis for a lay audience, and 20% participation in the seminar itself and development of lesson plans.

The law student's title as a teacher is Instructor of Tennessee Family Law in the College of Practical Law. They receive a certificate from the College of Law recognizing their service.

The law students teach in teams of two and have the same students (up to twenty 11th and 12th graders) throughout the course. Each high school student who successfully completes the course receives a certificate from the College of Law for the 18 hours of class (3 per evening).

Each class is composed of students from each of the schools which participate, ordinarily not more than two from any one school. Each class is balanced roughly between girls and boys.

The only connection between Teaching Clients the Law and the state's high school mock trial competition is that TCL is taught in the fall and is attractive to high school students who are interested in being on their school's mock trial team. Some law students use a mock trial as part of their teaching methodology. The high school course has ended with an intersectional closing argument competition in a family law case. The Tennessee Bar Association's state mock trial competition began as an outgrowth of an earlier Street Law course at the University of Tennessee in Knoxville and continues to be co-sponsored by the College of Law.

Goals and Terminal Objectives of Teaching Clients the Law

A. Law Student Goals

Students will be able to inform clients about the law orally and in writing well enough to enable the clients to make reliable decisions.

Students will be able to evaluate relations between and among legal rules and the components of the social system in which they apply.

B. Law Student Terminal Objectives

Law students will be able to:

1. Distinguish between statements of terminal objectives (performance of a task) and other kinds of educational outcomes.

2. State terminal objectives which imply evaluation standards.

3. Name defining characteristics of these instructional methods: lecture, discussion of controversial issues, structured controversy, problem solving, role playing, simulation, case studies, mock trials, brainstorming, and value clarification.

4. Name key benefits and costs of using the methods listed in three above.

5. Give reasons for and against the use of particular methods to achieve stated terminal objectives.

6. Describe four learning styles as presented by Bernice McCarthy.

7. Select teaching methods that work effectively with different learning styles.

8. Select and describe characteristics of their students which affect lesson planning.

9. Describe several methods of classroom management.

10. Prepare implementable unit and lesson plans containing introductions, questions, summaries, evaluation procedures, and stated instructor roles for active, student-centered classes.

11. Describe how to use an overhead projector effectively and list five objectives which can be achieved with it.

12. Manage an active, student-centered class well enough to accomplish the objectives of the lesson plan.

13. Write a synthesis of law which can be used by a client to solve a given problem of modest complexity.

14. Write accurate statements of the law without merely quoting.

15. Write a synthesis of law with a clear and rational structure in light of its intended audience.

16. Describe Tennessee and federal government structures.

17. List and describe the main steps in trial process for civil, juvenile, and criminal courts.

18. State Tennessee and other relevant law accurately for the purposes of the class.

19. Analyze situations in light of the law studied and develop reasonable ways to apply the law to the facts.

20. Describe value conflicts in the law studied.

21. Describe and give reasons for and against retaining at least three inconsistencies in the law studied.

22. Describe judicial approaches to making decisions in the fields of law studied.

23. Describe common effects on children and families that result from involvement in litigation.

24. Describe and present reasons for and against the use of mediation in the fields of law studied.

C. High School Student Goals

Students will be able to select and apply law to facts on a reasoned basis.

Students will be able to determine and present reasoned arguments for both sides of controversial legal questions.

D. High School Student Terminal Objectives

High school students will be able to:

1. Tell, given a stated rule including its legal consequences, whether it is a civil or criminal law.

2. Describe law-making roles of the three branches of government.

3. Describe at least three lawful ways to settle disputes about legal rights or privileges.

4. Describe how to get legal assistance to prevent or resolve disputes.

5. Describe the law governing who can marry and how they can marry.

6. Describe at least four legal responsibilities between parents and children.

7. Analyze a story to determine whether child neglect is involved.

8. Analyze a story and present arguments for and against custody of the children in it being awarded to persons who seek it.

9. Describe two procedures for determining whether to

change a child's custodian.

10. List at least two legal differences and two similarities between a child's relation to a natural parent, foster parent, and adoptive parent.

11. List at least three legal reasons for granting a divorce.

12. Describe at least two financial duties that are determined in a divorce case.

13. Present orally a rational argument for a desired resolution of a legal problem.

Each team of instructors will establish additional terminal objectives with respect to particular rules of law they teach.

A5. Georgetown University School of Law. The detailed description of the Georgetown program also exemplifies a Street Law Program Handbook.

TEACHING STREET LAW IN HIGH SCHOOL
Clinical Program Handbook

1989-90

D.C. Street Law Project
Georgetown University Law Center
Clinical Program Center
600 New Jersey Ave., NW, Suite 330
Washington, D.C. 20001
(202) 662-9615

INTRODUCTION: A WORD OF WELCOME

Welcome to the Street Law program! As a participant in the Street Law: High Schools Clinic you are entering an exciting field in which lawyers and educators are combining their talents to educate youth in the law that affects their daily lives.

This clinical program will challenge you to develop your legal knowledge and skills as you instruct high school students in such things as the law that affects their daily lives, the meaning of the Constitution, dispute resolution, mock trials, and the policies and values that underly our legal rules. As a result we hope you will find that your legal education is significantly enriched by new perspectives and skills. We hope that you will also gain satisfaction from the contributions you will be able to make to the education of young people in the District of Columbia.

This booklet is designed as a handbook of clinic requirements and other information for your work in Street Law. We hope that you will find it useful. Please keep it and refer to it throughout the year.

The clinical faculty is here to help you realize the goals and objectives of Street Law both for your high school students and for yourselves. We will be in frequent contact with you, and we hope that you will communicate with us openly and often. We're looking forward to an exciting and excellent program during the upcoming year.

-- The Street Law Faculty
1989-90
Judith A. Zimmer
Richard L. Roe

Suzin Glickman
Ana Kirchgaesser

App. A5--2

I. GOALS OF THE STREET LAW - HIGH SCHOOLS CLINIC FOR LAW STUDENTS

The Street Law-High Schools clinic gives law students a unique oportunity to enrich their own legal education while contributing to the education of high school students. An underlying principle of the clinical program is that the best way to learn is through teaching. The broad goals of the clinical program are:

- To educate law students in the practical applications of legal concepts. (See Appendix C)
- To provide law students with an opportunity to develop, apply and refine lawyering skills.
- To develop in law students an appreciation for the multi-faceted role and responsibilities of the lawyer in the community.
- To sensitize law students to sources and resolutions of community legal problems, particularly as those problems exist for urban youth.
- To effect through law students the goals of the Street Law Program for high school students. (see Appendices A and B)

The clinical program works to achieve these goals through a program of supervised field activities and seminar training.

II. COURSE REQUIREMENTS

1. Seminar

A. Attendance and Participation

The seminar is designed to provide vital foundation material for the law students' clinical work. Each student is required to attend all seminars unless otherwise excused. A law student who needs to miss a seminar should speak with clinic faculty. Active participation in the seminar is also required, including taking part in discussions, role plays, mock trials, and other seminar activities.

Law students are expected to complete reading assignments and to prepare for mock trials, role plays, and other simulations as assigned. Reading assignments are indicated on the course syllabus and will be given at the seminar from time to time.

B. Practice Teaching

Practice teaching is an exercise designed to help the law student instructors to "get your feet wet" in a brief teaching experience by developing and presenting a lesson on a discrete legal topic which can adequately be covered in a short time. The lesson should be brief and develop a single legal concept.

Each law student will present a 20-minute lesson on an assigned topic using a specified teaching method in a small group session. Fifteen minutes will be allocated for group critique and discussion of the lesson.

Teaching assignments will be distributed during the August 31st seminar.

C. Model Lesson and Demonstration Teaching

At least three seminars each semester are devoted to demonstration teaching. In these sessions throughout the course of the year, each law student will be required to present a substantive exposition in the form of Demonstration Teaching. This presentation will model an innovative lesson based upon an substantive issue chosen by the law student from suggested topic areas.

The demonstration teaching sessions are intended to meet several goals of the clinic. First, they maximize opportunities for law student participation in the seminar by giving them greater responsibility for its operation. Second, they develop skills important in the clinic and legal profession (issue analysis, research, planning and preparation, articulation of the law, speaking and listening ability, questioning ability, and judgment to name a few). Third, they provide fellow clinic students with substantive information and innovative lesson ideas, which can be used or adapted as needed. Fourth, they provide an opportunity for evaluation and critique in a supportive environment.

The presentation should focus on a single legal topic and develop an important legal authority, such as a court opinion, statute or regulation. For example, a presentation on criminal law might elaborate on the subject of coerced confessions, using Miller v. Fenton, 88 L Ed 2d 405 (1985) and selections from the transcript of Miller's interrogation. The Demonstration Teaching should be a model of a high school class lesson.

The student should plan a 30-minute presentation which will be followed by 25 minutes for peer critique. This peer critique feature will facilitate the exchange of creative ideas among the law students as well as generally increase the quality of law student learning in the clinical program. For these sessions, the clinic will be divided into two sections, according to faculty supervisor. Sections will meet during the regularly scheduled seminar hours at separate locations to be announced.

Law students will work in pairs to develop demonstration teaching sessions. Prior to each person's presentation law students will meet twice with Street Law staff. The first meeting will focus on the selection of topic, material, and teaching methods. The second meeting which will be held on the Monday prior to the presentation will focus on lesson design, objectives, strategies and materials prepared for the demonstration session.

Law students will prepare a lesson plan and substantive abstract for their demonstration teaching presentation. The lesson plan should include learning objectives, educational methods, references to substantive issues, authorities, and evaluation techniques. The abstract should be limited to not more than three pages and should outline the substantive concepts, describe the legal issues, and briefly analyze and assess the supporting legal and other authorities used in the presentation.

Following the presentations, the clinic faculty will lead a discussion to critique the presentations. At this time, the lesson plans and abstracts will be distributed to the other clinic students.

The demonstration teaching sessions will be evaluated by the clinic faculty according to the following criteria:

1) teaching performance -- the extent to which the presentation demonstrates effective teaching methods

and learner-centered instruction;

2) planning and presentation -- the quality of preparation and lesson plans;

3) substantive legal content -- appropriateness and accuracy of legal content (i.e., what the law is);

4) policy considerations -- attention to rationales, interests, and policy matters (i.e., what different parties want the law to be and why);

5) practical applications and implications -- attention to the practical consequences of the matter.

During the September 14th seminar, law students will have the opportunity to choose their preferred teaching date and topic. The schedule for Demonstration Teaching and Lesson Plan/Abstract due dates is as follows:

TOPIC	LESSON PLAN DUE	DEMO. DATE	MAX # STUDENTS
Criminal Law & Criminal Procedure	Sept. 18	Sept. 21	4
Housing Law	Oct. 16	Oct. 9	4
Voting Rights	Oct. 30	Nov. 2	2
Family Law	Spring TBA	TBA	4
Individual Rights	Spring TBA	TBA	6
Mock Trial	Spring TBA	TBA	4

2. Journal

Each law student is required to keep a journal describing his or her experiences in the clinic. Such experiences may include but are not limited to:

a. personal goals attained and not attained;

b. successes in teaching presentations;

c. disappointments;

d. reflections about schooling and education

e. reflections about law and the legal process

f. other thoughts or ideas

The journal should consist of entries made in any legible format. We recommend frequent entries made close to the experience described. Each entry must be dated with the actual date of entry. Journals will be collected twice during each semester (Fall, Oct. 26 and November 30; Spring TBA).

The journal should be viewed as: (1) a means of expressing observations, feelings and thoughts, (2) a tool for self-evaluation, promoting periodic reflection upon goals and accomplishments, and (3) a tool for evaluation by the clinic aculty--it provides a broader picture of your clinic experience.

3. Teaching (Field Component)

A. Classroom Presentations

The Street Law Program accomplishes its mission of service to our clients, D.C. high school students, through the teaching activities of the law students in the clinic. Excellent, responsible client service through teaching is the highest priority of this program. (See Appendices A and B) Law student instructors are held to strict standards for responsible teaching performance. Accordingly, failure to teach and failure to act responsibly within the following guidelines may seriously jeopardize a law student's successful completion of the clinic.

All law student teachers are required to teach a minimum of three days per week from September through April, excluding examination and vacation periods. Classes missed for personal reasons must be made up by law students unless excused by the clinic faculty.

The schedules for law student teaching are agreed upon in September and may not be changed except upon permission from the clinic faculty.

In general, classroom teaching requires that the law student direct and lead the class in the accomplishment of those activities which are appropiate to learn Street Law. Included in a teacher's classroom tasks are:

- presenting course material through a variety of methods;
- supervising the class as students work on activities;
- using audio/visual materials and law-related community

legal resources;

- giving and grading tests and assignments.

The use of activities which promote student involvement and skill development, such as role plays, mock trials, and small group discussions, should be an integral part of the Street Law teacher's classroom repertoire. Teachers are expected to select and use the various instructional methods in which they are trained in the seminar.

As a part of the general requirement of teaching activities, each law student is also expected to work with his or her class in preparation for the Annual Mock Trial Tournament and to act as a coach for the team selected from the class. Additionally, those law students whose teams advance to the final competition are expected to continue training their teams.

From time to time, law students may encounter situations requiring them to spend time with students before or after class. Sometimes the law student teacher may need to seek advice and assistance from a school counselor, reading specialist, or other professional person. In all of these matters, the law student teacher is expected to give appropriate attention to the situation within a reasonable amount of time.

Teaching Street Law involves a law student in dispensing general legal information to non-lawyers. The Street Law clinic is not a student practice clinic and law student instructors cannot give specific legal advice. To do so may constitute unauthorized practice of law.

For this reason, law students are required to notify their students that they are not lawyers and cannot give legal advice. If a high school student poses a personal legal problem that seems to call for individual legal advice, law student teachers must refrain from giving legal counsel and refer the student to appropriate legal counsel or service agencies. If the law student is uncertain about the appropriate response, consult the Street Law faculty.

B. Development of Materials and Using Law-Related Community Resources

In addition to using the Street Law text and other materials provided by the clinic faculty, law student teachers should develop their own instructional materials and methods as part of their classroom activities. In particular, these should include tests, assignments, lessons, handouts, worksheets, and projects.

Each high school class is expected to participate in a variety of activities that provide the student with first-hand knowledge of the legal system and its personnel. These activities include taking field trips, undertaking community action projects, and inviting community legal resource persons to participate in classroom activities. Law students should make substantial use of community legal resources. The success of these experiences for the class depends, in great part, on the amount and quality of planning the teacher devotes to these activities. All such activities should be related to the material taught in the classroom. Supplemental materials regarding use of community resources is contained in the supplement, "Washington, D.C. Law-Related Education Resource Guide."

4. Daily Lesson Plan

"A good class is a well-planned class." Thus, in order to translate the broad goals of the substantive outline into discrete teaching units, each law student instructor or team will prepare a daily lesson plan of no more than one page.

The lesson plan should state the instructional objectives ("what"), the appropriate teaching methodology ("how"), and evaluation technique (how you'll know what students have learned).

These lesson plans must be submitted to your teaching partner and cooperating teacher. In addition, copies of all lesson plans must be submitted with your monthly report (see "Monthly Report," *infra*). Clinic faculty will review your lesson plans during classroom observations and post-observation conferences.

5. Monthly Report

As discussed below (see "Field Supervision"), a number of your classroom presentations will be observed by the clinic faculty. To provide you the fullest opportunity for fair consideration of your field performance for the remaining teaching days, each instructor is required to submit a monthly report form summarizing your teaching activities for that month, including tests and quizzes given, homework assignments made, legal resources used, significant accomplishments, highlights, and any difficulties encountered. Students are responsible for filing monthly reports into your student folder by the first Thursday of each month. Photocopies of your classroom attendance and grade sheets, lesson plans, exams and evaluation instruments, and handouts for the month must be attached to the form. Monthly report forms are available in the clinic office.

III. FIELD SUPERVISION

The field supervision includes: classroom observations for assistance and evaluation, individual consultations, small group meetings, and informal contacts.

Clinic faculty observe law student presentations in the classroom several times each semester for purposes of assistance and evaluation. These visits are announced in advance. A number of these observation sessions will be videotaped.

After each classroom visit, the law student and clinic supervisor will meet to review the student's classroom performance, identifying areas of progress and problems, and discussing the legal substance and stylistic dimensions of the presentation. Students will be encouraged to engage in a critical analysis, or self-assessment, of their own presentations.

In addition to these post-observation meetings, faculty may arrange a series of individual consultations designed to discuss more general concerns. Consultations will explore issues related to both the planning and teaching components of the clinic as well as significant issues in personal and professional growth. Consultations will be conducted in a collegial environment with an emphasis on shared decision-making.

Because many of the issues confronting clinic participants are ones of common concern, small group conferences may be arranged from time to time.

Finally, students are encouraged to share their concerns with peers and faculty through informal contacts. Because of the amount of time the clinical faculty spends in the field, students desiring to see a particular faculty member are encouraged to make appointments with clinic faculty, but should also feel free to visit the Street Law office at any time.

Cooperating teachers will also be asked to submit a monthly report on the progress of each Street Law class in quantitative terms (e.g. attendance, assignments and examinations).

IV. ADMINISTRATIVE RESPONSIBILITIES

Each law student is expected to comply with all administrative requirements of the D.C. Public Schools and the clinic. The matters are covered in detail in the supplement, "Handbook of Administrative Responsibilities for Teaching Street Law in D.C. High Schools."

In addition, all plans and reports required for the clinic must be submitted in a readable and complete form, and on time.

V. EVALUATION AND GRADING

To fairly evaluate the performance of each law student with respect to the clinic requirements, as appropriate, the clinic faculty will apply the following criteria, unless otherwise noted or announced in seminar:

A. Seminar

1. attends weekly seminar regularly;
2. attends mini-seminars and small group meetings;
3. prepares for and participates in seminar discussions;
4. prepares for and participates in seminar activities, such as practice teaching, mock trials, and role plays; and
5. completes seminar assignments

B. Model Lesson and Demonstration Teaching

(*See* "Model Lesson and Demonstration Teaching" *supra*

C. Supplementary Materials and Use of Law-Related Community Resources

1. displays relevance to high school students' interests, needs, and abilities and to the course curriculum;
2. explores legal, ethical, policy, and practical considerations of topics presented;
3. explores topics with sufficient and appropriate accuracy, depth, and pace;
4. presents issues in a balanced manner; and
5. provides clinical faculty with a summary or brief report on the activity.

D. Performance Evaluation

Based upon classroom observations, post-observation conferences, monthly reports and other assessments of student performance in the clinic, the clinic faculty will evaluate the law student's performance in the clinic. This evaluation will follow the following criteria:

1. **Administrative Responsibilities**

    a. Attends class regularly and promptly on assigned teaching days.

    b. Provides sufficient notice and explanation for unscheduled absences or delays.

    c. Complies with high school administrative requirements in timely and thorough fashion.

    d. Complies with clinic administrative requirements in timely and thorough fashion.

2. **Planning and Preparation**

    a. Identifies clear and specific objectives in a written plan for each lesson.

    b. Pursues diverse objectives, e.g., varied knowledge objectives, cognitive and communication skills, and attitudes.

    c. Prepares and organizes methods and materials for each lesson.

    d. Displays sound comprehension of lesson content and methodology.

3. **Substantive Content**

    a. Presents lessons that are relevant to students' lives and course curriculum.

    b. Explores legal, ethical, practical, and policy considerations of topics presented.

    c. Explores topics in sufficient depth and at appropiate pace.

    d. Presents issues in a balanced manner.

4. **Probative Value of Presentation**

a. Explores challenging issues through stimulating lessons.

b. Promotes the development of critical thinking skills.

c. Promotes the development of reasoning skills.

d. Establishes and maintains standards of intellectual rigor.

5. **Methods and Techniques**

a. Makes appropriate use of varied methods and techniques.

b. Makes appropriate use of varied materials and resources.

c. Emphasizes use of local law-related community resources.

d. Emphasizes participation by students.

6. **Interaction with Students**

a. Recognizes students' interests and feelings.

b. Is sensitive to language and manner.

c. Motivates student with enthusiasm and confidence.

d. Recognizes individual needs, abilities, achievements, and contributions.

7. **Communication Skills**

a. Communicates vital information in clear and succinct fashion, i.e., identifies and clarifies goals, objectives, directions, and assignments for each lesson.

b. Uses effective oral presentations, i.e., poised, articulate, provocative, and comprehensible.

c. Demonstrates command of questioning and response skills.

   d. Actively listens to student questions and comments.

8. **Classroom Management**

   a. Recognizes and addresses management needs.

   b. Demonstrates effective leadership in direction of groups and individuals.

   c. Promotes developing sense of individual and group responsibility.

   d. Is fair and consistent in managing classroom.

9. **Evaluation Techniques**

   a. Establishes and maintains adequate expectations and performance standards.

   b. Evaluates classroom performance in regular and systematic fashion.

   c. Utilizes valid, reliable, unbiased evalution techniques and instruments.

   d. Varies evaluation objectives and techniques.

10. **Interaction with Peer Professionals**

   a. Works effectively with cooperating teacher and team partner (where applicable).

   b. Develops support from high school faculty and administrators.

   c. Is willing and able to engage in collegial consultation with clinic faculty.

   d. Is willing and able to implement recommendations and strategies developed through consultations.

E. Journal

See "Journal," supra.

F. Grading Process

The clinic faculty will use a cumulative process to arrive at the final grade upon completion of the year-long course. All plans and reports and other work product maintained in each law student's master file will be reviewed. Thus, students are urged to periodically review their files to ensure completeness.

There is no assigned weight to any clinic requirement. The factor of improvement over the course of the year is strongly considered. In a collegial environment, the clinic faculty will determine a composite grade for each law student based upon application of the appropriate evaluation criteria. Then, to assure fairness among all students, each grade will be compared clinic-wide. Thus, the final grade is determined based upon performance in the clinic over the entire year.

A6. ADVANCED STREET LAW: LEGAL RESEARCH

Georgetown University School of Law (Ana Kirchgaesser, Clinical Fellow, Georgetown University School of Law)

The Advanced Street Law class was designed with the purpose of helping adult inmates explore the fundamental mechanics and the art of legal research, as well as the challenge and constraints of writing about legal problems.

Richard L. Roe, Director of Street Law Clinic, taught the first Advanced Street Law class focusing on the skills involved in legal research and legal reasoning. Upon completion of this first class, Professor Roe offered some advice referring to the restructuring of the course. The students had learned the fundamental principles of legal research and writing, but the students found it hard to grapple with the skills involved in legal reasoning. Reflecting upon past experience proved to be a successful device.

The goal behind teaching the Advanced Street Law class was narrowed to meet the educational needs of our students. The class was redesigned by the D.C. Street Law Corrections Clinical Fellow, Ana Kirchgaesser, to encompass the mechanics of legal research and writing and not the art of legal reasoning.

Under her supervision, Advanced Street Law instructors were selected from a qualified group of law school students who had successfully completed the Street Law course. A two hour orientation acquainted the instructors with the basic goals of our program. During that time we also stressed the importance of using learner centered methods, especially because the work involved with legal research can be an arduous and sometimes monotonous task. The clinical fellow conducted field observations twice during the semester, but at all times maintained close contact with the instructors and the correctional facilities to ensure a high level of performance.

During more than thirty hours of instruction over a three month period, the students developed thorough and efficient research habits. Moreover, they achieved a familiarity with the various legal research tools that allowed them to accomplish their research in an efficient manner.

Learning legal language and the process of conducting legal research can be an impersonal, ambiguous and confusing task. The Advanced Street Law class followed a systematic learner-centered approach to research, helping students develop their legal research and writing skills in a safe environment and at their own pace.

The Advanced Street Law class was intended to personalize the legal research and writing process. The instructors presented legal research as a step-by-step process. This approach served two purposes. First it helped the students develop strong research and writing skills, and second it decreased the level of fear associated with legal writing and the use of research tools.

In our program, students (the inmates) learned the theory of legal research in the classroom and proceeded to practice the mechanics of the process in the library. The first hour of every class was devoted to conveying instructional input. During the second hour the class transferred to the library where the students worked on problem handed out in class.

As a result of this process, the students developed legal research and writing skills at their own pace under the instructor's careful supervision. Each student demanded a different level of attention, and as a result the instructors found that one of the most challenging aspects of teaching this course was the need to keep every member in the class challenged throughout the different levels of researching techniques.

The instructors prepared several problems in anticipation of each lesson (8-10) problems). The students experienced a 'hands on' approach to learning about the law and conducting legal research and writing. The students researched the problems at their own pace, and could always complete another problem if they desired. The instructors spent time closely working with the students who seemed to have difficulty with a specific area and making sure the rest of the students were completing the problems.

Through our teaching, we found that this model for learning how to conduct legal research by using examples and exercises enhances careful thought and creativity on the part of the students. The students found The Process of Legal Research, the book used during the course, very valuable. Results from a mid-semester evaluation indicated that students specifically liked:

- the language in which the book was written-easy to understand, informal and direct
- illustrations-the book uses illustrations (actual segments of legal resource books) to provide clear examples of how to use the resource tools
- problems for each chapter-provide an opportunity for

independent practice and help students recognize areas that need attention.

In our pilot class, sixteen students were provided the opportunity to work together and to explore some of the many possible techniques available to solve the legal problem presented.

The course started with an introduction to the law. The students obtained and refreshed their recollection regarding the three branches of the government and the different sources of law. After the general introduction, the course focused on the Constitution as a document providing the fundamental laws of the Nation.

Once the students gained a general knowledge about the basic sources of law, the course changed its focus and the students were introduced to the concept of legal research. The process of legal research was divided into five steps: the factual analyses, framing and identifying the issues, finding commentary for background purpose, searching for the legal authority and reevaluating the issues.

Through examples and in-class problems (See, attached encyclopedia research, statement of facts -- how to discern important facts from not relevant ones, finding cases -- cite, key number) the students learned to choose the relevant facts, to identify the issues and finally to search for the primary source of authority that allowed them to resolve their legal question.

Through our problems and assignments the students learned the importance of placing the research steps in workable order, even though they maintained a level of flexibility in the way they carry out the various steps of the research process.

Students learned to master the basic steps of conducting a legal research through the completion of assignments. Our students completed their assignments during the time that they were in the library, after they had finished the class problems because they had no access to the library at other times. These assignments were short and narrowly constructed. The assignments shared the common goal or providing regular and routine practice in writing about how one finds, interprets and applies legal authority.

After the students completed a series of legal research assignments, the course closely focused on the examination of court cases. The students, while analyzing cases, learned the different components of a case (the anatomy of a case and the mechanics of citing cases). Moreover, through the use of selected Federal Rules of Evidence, and Federal Rules of Civil Procedure, the students were exposed to the skills involved in reading and analyzing rules.

The semester closed with a mock appellate hearing, In Re Application of D.S. Ford, or In Re Ruby Martes, where an ex felon who had served time in jail and had attended college and law school was seeking admission to the Bar. The only issue for the appellate court to decide was whether the applicant had demonstrated by the preponderance of the evidence that he/she possessed the requisite good moral character and general fitness to practice law.

In preparation for the grand occasion, students researched and wrote an appellate brief (taking into consideration brief format organization and writing as well as, research of the applicable law). One class was solely devoted to preparation for oral arguments. During this session, students were mooted by their peers and their instructor. This class provided them with the opportunity to practice their oral advocacy skills in a safe environment.

At the end of the semester, as I looked back and reflected upon three months of teaching five hours weekly, I noticed that the students had not only attained the skills that we had set out as goals at the beginning of the class, but also obtained other benefits as well.

Primarily, by researching different substantive areas of the law, the students broadened their perspectives regarding legal knowledge. The students gained another benefit, one which is difficult to assess but perhaps the most important aspect of the course, that of personal academic improvement. The course was a difficult and challenging one, therefore the students who graduated felt an immense sense of accomplishment. This sense of accomplishment was an ongoing process throughout the course, helping students strengthen their self-image. It also helped students learn the positive aspects involved in working with another person. The students learned to use each other's knowledge and skills in a way that was effective for the whole class, but they also helped those who needed specific tutoring in certain areas. The class developed a notion analogous to team players -- they all wanted to win, and they were all together in the project.

NOTE:

The difficulties we faced in teaching in a correctional facility may be inherent in a correctional setting and not in any other; nevertheless, I will share them.

1. Attendance: class size fluctuated from a high of about 15 to low of 3. As instructors we felt the optimal number of students was 10-15. Any number beyond these will probably diminish the instructor's ability to effectively devote time to the individual researching supervision.

2. Group activities: groups of 2 or 3 were optimal when researching problems as a group. Any larger number of students per group tends to leave some members out because they are working with legal research tools and not all can get continuous access to it.

3. Difficulty in understanding: initially, the students had some difficulty in understanding some cases and particularly in applying the rule of law to a fact pattern. On the positive side, after a little practice the students learned: the process of legal research (where to begin and what to ultimately look for), the differences between primary and secondary material -- what it is and when it can be used, therefore determining what the binding authority is for the case at hand.

BIBLIOGRAPHY:

Price, Bitner, Bysiewicz, Effective Legal Research, 4th Ed. Little, Brown and Company (1979)

Elias, Legal Research: How to Find and Understand the Law, 2nd Ed., Nolo Press (1988)

Cohen, Legal Research in a Nutshell, 4th Ed. West Publishing Company (1985)

Kunz, Schmedemann, Erlinder, Downs, The Process of Legal Research, 4th Ed., Little, Brown and Company (1986)

Wren and Wren, The Legal Research Manual, 2nd Ed., Madison, Wisconsin, Adams and Ambrose Publishing (1986)

B. Sample syllabi for the law school seminar

B1. Georgetown University School of Law syllabus

Street Law High Schools Clinic

Fall 1989 Seminar Schedule

Zimmer/Glickman
GULC 330
662-9615

DATE	TOPIC
Thurs. Aug. 24	**The First Seminar #1** Introductions Are You A Good Witness? No Vehicles in the Park Administrative Matters **Readings for Next Seminar:** Goss v. Lopez, 419 U.S. 565 (1975) - included in handbook
Thurs. Aug. 31	**Second Session #2** First day activities-going into the classroom Due Process in Schools School Rules Rule Drafting and Application **Readings for Next Seminar:** Street Law Student Text p. 4-26; TM (Teacher's Manual) 1-15, 22-28, and 34-35. Mediation Packet
Thurs. Sept. 7	**Seminar Session #3** Chapter 1 - Introduction to Law and the Legal System Mediation and Conflict Management **Readings for Next Seminar:** Street Law Student Text Chapter 2, corresponding chapter in TM and D.C. Supplement-Criminal Law.

Thurs.
Sept. 14

Seminar Session #4
Introduction to Criminal Law and Procedure

Readings for Next Seminar:
PREPARE CRIMINAL LAW UNIT PLAN FOR NEXT SEMINAR.

WEEK OF SEPTEMBER 18, 1989--FIRST FULL WEEK--LAW STUDENTS IN HIGH SCHOOLS CLASSES.

Thurs.
Sept. 21

Seminar Session #5
Demonstration teaching:

Topics: criminal procedure (1st hour)
criminal law (2nd hour)

Readings for Next Seminar:
Criminal Law Section of Test Bank Book
Testing and Evaluation Packet

CRIMINAL LAW UNIT PLAN -- DUE

Thurs.
Sept. 28

Seminar Session #6
Testing and evaluation

Readings for Next Seminar:
Great Trials excerpt In Re Gault, 387 U.S. 1 (1967).
Street Law text pp. 106-120
TM corresponding pages

Thurs.
Oct. 5

Seminar Session #7
Juveniles and the Law
In re Gault, 387 U.S. 1 (1967)
Rounds

Readings for Next Seminar:
Street Law pp. 194-201; 211-213; 263-275 TM corresponding pages; Moore v. East Cleveland, 431 U.S. 494 (1977).
D.C. Housing Supplement

***SEPTEMBER MONTHLY REPORTS DUE**

Thurs.
Oct. 12

Seminar Session #8
Introduction to Housing Law

Readings for Next Seminar:
Housing Packets

PREPARE HOUSING UNIT PLAN FOR NEXT SEMINAR

Thurs.
Oct. 19

Seminar Session #9
Demonstration teaching
Topics: Housing
Family Law

Readings for Next Seminar:
Mock Mediation Packet
HOUSING LAW UNIT PLAN -- DUE

Journals are due next week.

Thurs.
Oct. 26

Seminar Session #10
Introduction to Mock Mediation
Alternative dispute resolution

Readings for Next Seminar:
Additional Alternative Dispute Resolution information
Prepare and discuss roles for mock mediation to be conducted in seminar next week.
*Monthly Reports are due next week.
*Law students should give exams during the next week.
Prepare Dispute Resolution Unit Plan for next seminar.

JOURNALS ARE DUE.

Thurs.
Nov. 2

Seminar Session #11
Law students conduct mock mediation
*Law students should conduct the mediation with high school students before Thanksgiving.

OCTOBER MONTHLY REPORTS DUE.

DISPUTE RESOLUTION UNIT PLAN -- DUE

Thurs.
Nov. 9

Seminar Session #12
Demonstration Teaching
Topics: Dispute Resolution
Rounds

Readings for Next Session:
Voting Packet

Thurs.
Nov. 16

Seminar Session #13
Voting Materials-Introduction

***

- Thanksgiving Next Thursday, no seminar

Thurs.
Nov. 30

Seminar Session #14
GRAND ROUNDS - Debrief the semester
Evaluations

NOVEMBER MONTHLY REPORTS ARE DUE DECEMBER 7, 1989.

JOURNALS ARE DUE DECEMBER 7, 1989.

- Monthly reports are due the first Thursday of each month.
- Journals are due twice in the fall semester--Mid-semester and at the end of the semester.

Syllabus Outline
Street Law High Schools Clinic
Spring, 1990
Professor Roe/Clinical Fellow Glickman

DATE	TOPIC
THURS. **JAN. 11**	**FAMILY LAW** Introduction to spring semester syllabus. Family Law: Child Neglect and Drug Use. Rounds: High School student writing; Writing Contest. **Readings:** D.C. Supplement on Family Law; Handout on Heroin Shooting Gallery: *In re Kimberly*.
THURS. **JAN. 18**	**Demonstration Teaching:** Family Law First Hour : CUSTODY Second Hour: ABORTION **Readings:** Family Law chapter in *Street Law* text and teacher's manual, esp pages in *SL*: 202-203; 208-218; 222-223; 229-239 and *TM*: 145-146; 149-157; 160-162; 165-176. **Tues., Jan. 16, Family Law Unit Plan Due**
THURS. **JAN. 25**	**Individual Rights** Free Speech and Expression in Schools. Rounds. **Readings:** D.C. Supplement on Individual Rights. Handouts on Individual Rights in schools. Read Individual Rights chapter in text and teacher's manual, esp. text pgs. 312-320; 328-331 and corresponding *T.M.*: 231-238; 243-246. *Tinker v Des Moines Community Schools*, 393 US 503 (1969).

THURS.
FEB. 1

Individual Rights #2
"Eyes on The Prize."
Rounds.
Readings:
SL pgs. 346-372.
TM pgs. 258-283.
Great Trials handout: Linda Brown.
Brown v Board of Education, 347 US 483 (1954)
MONTHLY REPORTS ARE DUE THIS WEEK, 2/1/90
Mon., 2/4, Individual Rights Unit Plans Due

THURS.
FEB. 8

Demonstration Teaching
Individual Rights.
First Hour: TBA
Second Hour: TBA
Readings:
SL: 331-342, 359-363
TM: 246-256, 266-269
Great Trials handouts: Alan Bakke; Fred Korematsu
Weeks v Southern Bell Telephone Co., 408 F.2d 228 (1969)
Recommended: National Museum of American History Exhibit on the Japanese Internment

THURS.
FEB. 15

Mock Trial Teaching Strategies
Guest Speakers.
Mock Trials and Cognitive Development.
Readings:
Handout: "Putting on Mock Trials," American Bar Association, Special Committee on Youth Education for Citizenship.
Handout: Mock Trial Packet, Roberts v D.C. (the 1989 Mock Trial Problem).
Recommended: Bloom, Taxonomy of Educational Objective, esp. 201-207 (condensed version)

THURS.
FEB. 22

Trial Advocacy Skills for the Mock Trial
Opening and Closing Statements; Direct and Cross Examination; Simplified Rules of Evidence.
Readings:
Street Law Mock Trial Manual
Recommended: Mauet, Fundamentals of Trial Techniques.

THURS.
March 1

Mock Trial Advocacy/Law Students Conduct Mock Trial
Law students conduct 1989 mock trial in seminar

***MONTHLY REPORTS ARE DUE THIS WEEK, 3/1/90**
***1990 MOCK TRIAL PACKET AVAILABLE NEXT WEEK**
***Read 1990 Mock Trial Packet (final edition) when it becomes available.**

THURS. MARCH 8	**Demonstration Teaching** Mock Trial: Trial Related Topic First Hour: TBA Second Hour: TBA *JOURNALS ARE DUE, 3/8/90
THURS. MARCH 15	NO SEMINAR GULC BREAK
THURS. MARCH 22	**Getting Through Mock Trial Season** Rounds
THURS. MARCH 29	**Mock Trial Logistics** Rounds
THURS. APRIL 5	**Mock Trial Review and Debrief**
	*MONTHLY REPORTS ARE DUE, 4/5/90
THURS. APRIL 12	No Seminar, replaced by Fall Orientation.
THURS. April 19	TORTS Law Students not required Cooperating Teachers Workshop All law student materials required by the Clinic Handbook (i.e., monthly reports, unit plans, journals) are due next week.
THURS. APRIL 26	**Last Seminar -- Review of Year** Evaluations Grand Rounds

*JOURNALS ARE DUE
*MONTHLY REPORTS ARE DUE
*ALL MATERIALS ARE DUE

B2. University of Tennessee College of Law Syllabus

TEACHING CLIENTS THE LAW (3 hours credit)
Fall 1989
Professor Grayfred Gray
Syllabus

GOALS: The goals of this course are (1) to develop skill in oral and written communication of the law to persons who are not lawyers and (2) to develop awareness of how different bodies of law affect one another as exemplified in Tennessee's legal system.

COURSE REQUIREMENTS: Each student will (1) research and write a significant paper on a field of Tennessee or federal law involved in the course, (2) co-teach an 18 hour course at the law school for high school students, and (3) participate in the law school class. The fields of law will be Tennessee domestic relations and juvenile court law.

SCHEDULE: The law school class will meet from 4 to 4:50 on Monday, Tuesday, and Thursday in room 104. The high school class will be taught at the law school from 5-8 p.m. on Tuesdays from October 3 through November 7. The law school classes will end approximately November 13. There will be make-up classes before October 3, including a session on September 23 from 9 to 4, to prepare students in time for their teaching; this will also permit the early ending. The schedule for the make-up classes will be worked out on Thursday, August 24.

TEXT: Gray, Teaching Materials for Teaching Clients the Law: Part I and Part II (1989).

GRADING: Student work will be graded on the basis of papers, performance in teaching, and performance in the class. There will not be an exam.

WRITING REQUIREMENT: Papers written in the course satisfy the Law College's upper-division expository writing requirement.

Assignments

August 24, 1989: Introduction to the course, the College of Practical Law, and obstacles to understanding the law.

WRITE and turn in to the Clinic receptionist by noon on Aug. 24 (1) a written calendar of your daily time commitments each week and (2) a brief description of your personal goals in the course and any prior experiences in which you have been a teacher, e.g., camp counselor, church school teacher, employee trainer.

READ: In Part I of Compiled Materials pp. 1-14, which includes White, "The Invisible Discourse of the Law: Reflections on Legal Literacy and General Education," 54 Colorado L. Rev. 143--59.

3. Consider carefully the question of what learning processes, activities, and materials have been most effective **for you** in the past.

8/28 Introduction to learning styles.

READ: In Compiled Materials Part I pp. 15--34, which includes McCarthy, The 4MAT System.

Read with the following questions in mind:

1. What is your predominant learning style?
2. What are ways to address each of the learning styles?
3. What are two central concepts in the materials?

WRITE: An outline for a 3 minute speech describing how one could address the 4 learning styles in a single day of a torts class on proximate cause.

8/29 Introduction to education for clients, Street Law, formulating educational objectives, and educational methods.

READ: Street Law Teacher's Manual, pp. 1-20.

Read with the following questions in mind:

1. What are reasonable goals of educating clients?
2. What are some of the obstacles to achieving such goals?
3. What are some available educational methods for achieving such goals?

4. What are effective approaches to planning to educate clients?

8/31 Instructional methodology and planning.

READ: In Compiled Materials Part I, pp. 35-61, which includes Gray, "A Suggestive Checklist for Preparing Effective Courses".

Review pp. 1-20 of Street Law Teacher's Manual.

Read with the following questions in mind:

1. What are central characteristics of the primary instructional methods?

2. Which learning styles are especially reached by each method?

3. How can the methods be shaped to reach the maximum number of learning styles?

4. Describe the relationship between a Unit Plan and a Lesson Plan.

Choose paper topics.

9/5 4-5:30 Cooperative Learning.

READ: Smith's paper distributed in class 8/31/89.

WRITE: In groups led by the persons designated in class on 8/31/89, prepare a Lesson Plan for a 45 minute class to be presented to the law faculty on the use of Cooperative Learning methods in teaching law students. Prepare it on the forms distributed in class. Your Terminal Objective is for each faculty member to be able to write a Lesson Plan using Cooperative Learning methods for a first year law school class. Be prepared to present your Lesson Plan to the class on the overhead projector and to critique the plans of others. Get your transparencies made in the law school duplicating room by Tony Greene. Drop off a copy of your Lesson Plan to my office by 1:00 on Tuesday.

Announcement of teaching teams.

9/7 Pulling your thoughts together on teaching methods and your audience.

READ: In Compiled Materials Part I pp. 61-90. Review your previous readings.

WRITE: A list of the things you would most like clarified about teaching methods and planning. Drop the lists off to my office by 10 a.m. so I can use them in planning the hour.

9/11 Teaching the first class

READ: In Teaching Clients the Law, Part II, pp. 1-32 and the Teachers Manual materials I distributed in class, "Introduction to Law and the Legal System", pp. 21-44.

Read with the following questions in mind:

1. What are the fundamental legal concepts which the students will need to be familiar with to begin the family law materials?

2. What components of the legal system will the students need to be familiar with before they begin to read the family law materials?

3. Which parts of the Introduction to Law materials can be dealt with most effectively in connection with the family law materials?

4. Which of the Introduction to Law materials are the students most likely to know already?

WRITE as a team and be prepared to carry out a lesson plan for the 10 minutes of your first class after you've gotten everyone acquainted and done all your administrative details. You will carry it out with the law class as your students. Use any subject from the introductory chapter that you would like.

> Your classes will be videotaped. During class we will critique. The goal is to help with planning and implementation.

9/12 4-5:40 Classroom management. Use of guests.

Prepare to interview our guests to obtain as much understanding of the students you will teach as possible.

READ: Review the material that raises the most questions for you about what local students are like and how to manage a classroom.

WRITE: A simple list of all the methods you know to assess a n audience as learners so that you would be able to teach them effectively.

Bring to class the lesson plans you prepared for Monday, 9/11. Those of you who did not implement the plans on Monday will do so when the guests are not present. We will videotape again.

9/14 Mediation.

READ: In Part I of Compiled Materials, pp. 98-150 (the final

> decree there is a product of a lawyer mediation). In Part II of Compiled Materials, pp. 11-13 (pp. 22-26 of Street Law), pp. 34--35 of the Teachers Manual I distributed in class, and pp. 125-32.

Read with the following questions in mind:

1. Do the legal rules encourage or discourage the use of mediation in family disputes?

2. Are the ethical rules for attorneys, including the Code of Professional Responsibility, workable as a framework for the lawyer as a mediator?

3. How would you function as a mediator if you were not an attorney?

4. What institutional processes would you suggest as an alternative to adjudication as the basic mechanism for deciding family issues?

9/18 NOON Turn in to me all UPs and LP for first night (2 hours and 30 minutes of class for your students. The first 20 minutes of the evening will be a general orientation to the program.)

TOPIC: Writing for non-lawyers

READ: Wade, "Divorce Grounds and Defenses in Tennessee." Read it again and critique it in great detail as to what makes it more or less readable to a non-lawyer, a client who needs to make practical decisions based on it. What would make it useful to a lawyer? This paper was written for streetlaw years ago--it is the kind you will write for the course.

9/19 The impact of decisions in divorce and neglect and dependency cases on children in Tennessee. Guests.

READ: Pt. II, pp. 52-80.

Read with the following questions in mind:

1. What impacts of court processes on children have you seen?

2. What impacts are you most anxious to know more about from professionals who work with such children?

3. What can a lawyer working in such a setting to, if anything, to minimize adverse impacts on children?

4. What are the signals of such impacts that you might see in your classroom, and what can you do when you see them that might be helpful to the child?

9/21 READ: Review mediation assignment from 9/14 and consider how to teach about it and adversary process in light of what you learned from our guests.

9/23 9 a.m.-4 p.m. Practice teaching

Lesson planning, lesson plan implementation, and oral communication. Practice instruction.

READ: Review Introduction to Law and the Legal System materials.

WRITE as a team and be prepared to carry out two 15 minute lesson plans on different introduction to law topics of your choice. One of them may be the first 15 minutes of your first night of class. You will carry them out with the law class. Bring me a copy of the LPs.

Bring to class a complete draft of the Lesson Plans for the Introduction to Law unit the first night of the high school class.

Classes will be videotaped. After each class, we will critique it. These are workshop hours intended to help you with both planning and implementation.

9/25 NOON Turn in to clinic receptionist LPs in final form for 10/3 and 10/10. LPs for 10/17-31 are due in draft form.

9/25 Tennessee family and juvenile court law

Be prepared on your research paper topic to update the Tennessee Supplement in Compiled Materials, Part II.

READ: Part II, pp. 33-49 and 87-94 and pp. 139-151 of the Teachers Manual (given out in class).

Read with the following questions in mind:

1. What policies might be inferred from such laws with respect to families, parents, and children?
2. Are the laws consistent?
3. What effects would the laws have on family members who were aware of them?
4. Do the laws provide a desirable degree of flexibility to authoritative decision-makers within and outside the family?

9/26 Tennessee family and juvenile court law

READ: Part II, pp. 49-71 and 94-106, and pp. 152-165 of the Teachers Manual.

Be prepared on your research paper topic to up date the Tennessee Supplement in Compiled Materials, Part II.

Read with the following questions in mind:

1. What policies might be inferred from such laws with respect to families, parents, and children?

2. Are the laws consistent?

3. What effects would the laws have on family members who were aware of them?

4. Do the laws provide a desirable degree of flexibility to authoritative decision-makers within and outside the family?

9/28 Tennessee family and juvenile court law

READ: Part II, pp. 71-86 and 106-116, and pp. 165-191 of the Teachers Manual.

Be prepared on your research paper topic to update the Tennessee Supplement in Compiled Materials, Part II.

Read with the following questions in mind:

1. What policies might be inferred from such laws with respect to families, parents, and children?

2. Are the laws consistent?

3. What effects would the laws have on family members who were aware of them?

4. Do the laws provide a desirable degree of flexibility to authoritative decision-makers within and outside the family?

10/2 Tune up for the first high school class.

Be prepared to discuss your LP for 10/3 in final form. Write and bring to class any questions you have about Tuesday evening.

10/3 High school classes start 5 p.m.

Our class will meet briefly at 4 for administrative matters.

10/5 Workshop on teaching methods.

Review your lesson plans and bring copies to class of one which you consider particularly promising and difficult. Prepare to present to the class a 10 minute portion of your lesson plan for the high school class. Presentations will be videotaped.

10/9 How child custody decisions in divorce and neglect and dependency cases are made in Tennessee. Guest judges.

Review prior readings on deciding the issues in such cases. Read with these questions in mind:

1. How would I make decisions under these laws as a lawyer? As a judge?
2. Are the differences in decision-making standards desirable?
3. What problems would the standards appear to create for decision-makers?
4. How would such decisions be best made?

10/10 Coaching visit. No law school class.

10/12 Final LPs due for 10/17-31. Ordinarily these will be the final lesson plans; they will need either no changes or only minor ones. Topic for the hour is problems with teaching methods.

10/16 Value and law conflicts in Tennessee family law

10/17 Coaching visit. No law school class.

10/19 No law class. Work on your research paper.

10/23 Workshop on teaching methods for oral advocacy.

Review your materials and lesson plans for activities which developed your students' oral advocacy skills. Prepare to lead a 15 minute discussion on what makes one an effective oral advocate and how one prepares for such advocacy.

READ: Part II, pp. 119-24.

10/24 Class visit only on request by instructors

No law school class.

10/26 Draft LP due for 11/7. How child custody decisions in neglect and dependency cases are made in Tennessee. Guest Judge Brenda Wagonner.

Review prior readings on deciding the issues in such cases. Read with these questions in mind:

1. How would I make decisions under these laws as a lawyer? As a judge?

2. Are the differences in decision-making standards desirable?

3. What problems would the standards appear to create for decision-makers?

4. How would such decisions be best made?

10/30 No law school class. Work on your research paper.

10/31 Grading visit. No law school class.

11/2 No law school class. Work on your research paper.

11/3 9 a.m.: Draft research papers due. These should be typed or printed very clearly. They will be duplicated for distribution to other students to critique. They must be readable and essentially complete from a research and writing standpoint.

4 p.m. Pick up from Clinic receptionist the papers you are to critique for Monday.

11/6 Paper critiques

READ: Assigned papers.

Read with the following questions in mind:

1. Is the paper accurate?
2. Is it understandable to a person without legal education?
3. Can a person without legal education use the paper to answer legal questions?
4. Would the paper be useful to you as a lawyer?

WRITE: Your comments on these questions on the copies of the papers you read.

11/7 High school classes end. Oral arguments all evening, including arguments between high school students from different classes. Law school class meets for administrative matters.

11/9 4:00-5:50 Paper critiques

READ: Assigned papers.

Read with the following questions in mind:

1. Is the paper accurate?

2. Is it understandable to a person without legal education?

3. Can a person without legal education use the paper to answer legal questions?

4. Would the paper be useful to you as a lawyer?

WRITE: Your comments on these questions on the copies of the papers you read.

11/10 Friday, 6:30-8:30 Workshop on teaching clients the law in practice and the design of this course. At Gray's house. Map will be provided 11/6.

12/1 *****DUE DATE: December 1 at 4 p.m.

Final papers due to me at Legal Clinic receptionist's desk with a complete set of final LPs and UPs revised to reflect how you actually taught the classes. Papers typed double spaced.

C. Sample Lesson Plans for the Law School Seminar

C1. Sample Lesson Plan - Direct Examination of Witnesses (Steve I. Friedland)

The following lesson plan covers a law school class on the direct examination of witnesses at trial. The class has two goals: 1) to teach law students about direct examination; and 2) to teach law students how to teach direct examination.

The opening of the lesson plan briefly states the objectives, which are easily understood and few in number. The lesson plan includes the primary examples or hypotheticals that will be used to stimulate discussion and facilitate the communication of rules and principles. The methodology that follows includes the important questions that the professor will put to the students to engage them in the learning process. Finally, the lesson plan closes with a restatement of major points and, importantly, questions the students can ask themselves after class to continue the learning process.

Lesson Plan for Direct Examination

I. Date ________________

II. Objectives

- A. To teach students about the substance of direct examination:
  - 1. The purpose of direct.
  - 2. The form of questions on direct.
- B. How to teach law students to teach direct examination.

III. Methodology

- A. Offer Hypothetical - shoplifting: Louis Lightfingers is allegedly seen by a Sears store detective concealing a rubber ball and walking towards a store exit in the opposite direction of the store check-out area.

IV. Questions to Ask the Law Students About Examining Witnesses at Trial

- A. Preliminary Questions - The Criminal Justice Context
  - 1. What crime can the state charge Louis with committing? Why? (Why is charging so difficult?)

2. If you are the prosecutor, how would you prove that Louis stole the ball? (What witnesses would you call? What evidence is relevant?) Are there weaknesses in your case? Explain.

3. If shoplifting is defined as "taking the property of another for sale without authorization and without paying for it," how would you prove the specific elements of the crime?

4. Explain relationships between the crime charged and the evidence offered at trial. (What evidence is offered at trial and why?)

    a. Types of Witnesses

    The store detective is an eyewitness. Are there other types of witnesses? Yes, for example, experts, non-eyewitnesses, character witnesses. What are the differences? Significance relating to direct examination?

B. Direct Examination

1. What is the purpose of direct examination generally? (To prove or rebut one or more of the elements of a case, claim or defense (true for criminal and civil cases)).

    a. Explain the "painting the picture" analogy.

    b. Important Question - How does direct examination relate to closing argument? Why is this an important question?

    c. Use the Store Detective as an

C. Background for Direct Examination

There exist three parts to every direct examination (1) personalization or background of the testifying witness; (2) setting the scene; and (3) action (explain using the Store Detective again as an example).

D. Other Relevant Considerations For Direct Examination

1. Tone - Friendly or Unfriendly.

    a. Use the Store Detective as an example.

b. Other example - auto accident at the corner of 9th Avenue and State Road 84; favorable eyewitnesses on behalf of your client the plaintiff.

2. Length of questions.

a. Use Store Detective as an example.

b. Other example - auto accident at the corner of 9th Avenue and State Road 84; favorable eyewitnesses on behalf of your client the plaintiff.

3. Body language? (Believe the witness or disbelieve the witness?) Eye contact? Position in the courtroom? Preparation of the witnesses?

a. Use Store Detective as an example.

b. Other example - auto accident at the corner of 9th Avenue and State Road 84; favorable eyewitnesses on behalf of your client the plaintiff.

4. Form of Questions

a. Leading versus non-leading questions (A leading question is a question that suggests an answer.)

(1) Examples of non-leading questions: what, when, where, how, and why.

(2) Compound/vague/non-responsive questions.

F. How do these principles apply to the defendant in the "Louis Lightfingers" case? (Have students practice a direct examination of "Louis"; then critique.)

V. Teaching the Law Students to Teach Direct Examination Skills

A. Questions for Students:

1. Why use hypothetical situations like "Louis Lightfingers?"

2. Are there alternative hypotheticals that could illustrate the nature and uses of direct

examination? (Have students create hypotheticals in class.)

3. What kind of questions would you ask the students about the hypotheticals to illustrate the direct examination considerations above? Why?

4. How would you involve the students?

   a. The role of role playing -- what roles can/should the high/middle schools play?

   b. The role of adversarial advocacy in class -- arguing a position.

   c. Types of questions to ask to maximize involvement.

5. What kinds and forms of questions would be best? Why? (For example, open ended, distributed across the room, enthusiastic.)

6. Body language as an instructor? (Eye contact, tone, stance)

7. Use of the blackboard, other props or tools.

8. Anticipated problems? (For instance, problem student, limitations of physical plant, limitations of students)

VI. Conclusion of Class - Review

A. What Is Direct Examination?

B. Why Is Direct Examination So Difficult - i.e. "Painting the Picture" - But Yet So Important?

C. How Can You Teach Direct Examination? (Major points to keep in mind.)

D. Concluding Hypothetical: How would you teach high school students how to do a direct examination of the defendant in one hypothetical raised in class? (Allow students to think about how to do it for the next class.)

END OF LESSON

C2. Consumer Law Sample Lesson Plan - Unfair and Deceptive Trade Practices by Margaret Armancas-Fisher, University of Puget Sound

The goals for this seminar are to investigate law of unfair and deceptive sales practices, to identify state and private remedies for violations of the Washington Consumer Protection Act, and to consider applicable activities in a high school classroom.

Question: Has any one here been victim or perpetuator of unfair or deceptive trade practice? Would you like to admit to it and describe what happened? Instructor gives example to prompt disclosure.

A. Unfair and deceptive trade practices

1. Where do laws come from which regulate unfair and deceptive trade practices in Washington?

    a. Federal Trade Commission Act

    b. Consumer Protection Act - Revised Code of Washington 19.86

    c. Guidance provided by federal courts and Federal Trade Commission in interpreting the Federal Trade Commission Act

    --by decision and in statutory language itself

    --Washington courts acknowledge guidance but Washington courts are final interpreters of Washington statute

    d. Specific state statutes regulating particular businesses, camping resorts, time sharing, for example.

    e. Contract and Tort law - fraud, intentional infliction of emotional distress (cemetery prearrangement contracts.)

2. Consumer Protection Act of Washington

    a. Explain history: CPA was enacted in 1961 and was patterned on Section 5 of the Federal Trade Commission Act. CPA reads: "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful."

Each of the terms has specific meaning which we'll investigate later. Provide handout to students with information. (See Handout 1)

The State Attorney General has authority to enforce present and future violations of CPA. To enforce the action the AG must prove: (Write on board)

1. unfair or deceptive conduct
2. within trade or business
3. which impacts public interest.

When AG sues person (natural person, corporation, trust, unincorporated association, or partnership) the remedies include:

1. injunction against present or future violations of CPA;

2. civil penalty of not more than $25,000 for violation of injunction;

3. restitution to consumer victims of any money or property, real or personal, acquired by the CPA violator;

4. $2,000 civil penalty for each violation of CPA;

5. costs and reasonable attorney's fees.

WA had very successful experience with AG enforcement. By 1969, the AG was processing over 600 consumer complaints per month, the highest per capital ratio of any state in the U.S. with a total staff of 10. Lovett, Private Actions for Deceptive Trade Practices, 23 Admin. L. Rev. 271, 287 (1971). Staffing levels of AG office couldn't keep demand for enforcement. By 1986, the AG employed 11 attorneys, 14 investigators and used support staff and other volunteer interns to process 159,822 consumer and business inquiries and complaints resulting in the initiation of 36 enforcement actions. Consumer saving and recovery through enforcement actions, complaint mediation and claim arbitration amounted to $2,125,658. 1986 Washington State Attorney General Budget Report.

In 1971, a private right of action created to enforce CPA.

Refer back to board work for AG's enforcement. Initially, the person (could be natural person, corporation, unincorporated association or partnership) injured could be successful by proving same three criteria:

1. unfair or deceptive act or practice

2. within conduct of trade or commerce

3. impacts the public interest.

Ask class what requirements were added after Hangman Ridge v. Safeco Title Co., CITE abbreviation? 105 Wn.2d 778 (1986)? (Has prospective impact only.) Two additional requirements were added (additionally, methods of proof were changed):

4. injury to plaintiffs in their business or property

5. causation.

This maps the language and intent of the statute more accurately. 19.86.090. "Any person who is injured in his or her business or property by a violation of RCW 19.86.020...may bring a civil action...."

Successful private enforcers have these remedies.

1. Injunctions of present and future violations.

2. Violation of injunctions can be enforced by private litigant and AG. Maximum civil penalty for private enforcer is $10,000.

3. Actual damages

4. Court has discretion to triple award not to exceed $10,000.

5. Costs and reasonable attorney fees

Remedies are cumulative for private litigants.

Ask students what they think the greatest expense is for private enforcers. In practice, the greatest expense for consumers in enforcing the CPA is attorney's fees. Travis v. Wash. Horse Breeders Assn., 734 P.2d 956 (Wa. App. Div. I 1987). In this case, the trial court had awarded $144,062 in attorney fees for a dispute over a $25,000 horse. The Court of Appeals modified this amount and remanded for a recalculation.

Take apart various requirements of unfair and deceptive trade practices (U/TDP):

1. Key is definition of U/TDP. No definition appears in statute for unfair or deceptive trade practices. Congress in drafting the FTC Act reported that "it is impossible to frame definitions which embrace all unfair or deceptive practices. There is no limit to the human inventiveness in

the human inventiveness in this field." In S. Africa, first level of unfair practices - lay byes; faulty connection of TV for Bait and Switch.

The FTC has developed definitions, which have been cited with approval by Washington courts. Unfair is cited in Magnet v. Lincoln Mutual Savings Bank, 659 P.2d 537 (Wa. App. 1983) and deceptive in Hangman.

To be clear, there are two separate bases for jurisdiction: unfair and deceptive. While Hangman is unclear on this point, by only discussing deceptive trade practices, unfair trade practice is separate basis from deceptive.

1A. Unfair acts and practices require

(1) consumer injury;

(2) offends public policy as established by statutes, common law industry practice or otherwise; and

(3) immoral, unethical, oppressive, or unscrupulous. FTC rejects this element as duplicating the requirements of consumer injury and offending public policy.

For example, a furnace maintenance company sends representatives to go door to door. They indicate that they will do a free inspection of the furnace for safety and upkeep problems. After the furnace is inspected, which requires taking the furnace apart, the furnace company representative refuses to put the furnace back together until the individual signs a service contract.

FTC consumer injury alone may be enough for unfair trade practice if injury is substantial and if not outweighed by offsetting consumer benefits and ones consumers couldn't have avoided.

Unfair actions of sellers generally fall within 4 categories:

a withhold material information, car was in major accident and axle is bent;

b. make unsubstantiated claims; the pedigreed dog has won several prizes;

c. deprive consumers of various post purchase rights, refuse to return used auto parts after replacement with new parts;

d. use various high pressure sales techniques, not allow persons to leave room for hours with haranguing.

1B. Deceptive Act or Practice: Any trade practice that has the tendency or capacity to deceive a substantial portion of the public is actionable. Proof of intent is not required. Prevent injury before it occurs.

Elements:

(1) representation, omission or practice that is likely to mislead customers;

(2) practice is evaluated in light of consumer acting reasonably under circumstances; this is ordinary consumer member of target audience.

(3) representation, omission or practice is material, i.e., likely to cause consumer injury

An Iranian pilot has moved to the United States. One of the first items that he buys is a new van. At the time of purchase, the seller states that the van has cruise control, a feature that allows the man to drive almost effortlessly. The seller explains how to set the cruise control.

A week later, the Iranian pilot is driving the van, decides to get a soda out of the back and so he sets the cruise control. The van crashes into the car, and the man sues the car dealership for a deceptive trade practice. Is this a deceptive act or practice?

2. Trade or Commerce is defined to include the sale of assets or services and any commerce directly or indirectly affecting people of Washington State. Would that include representation by lawyer? Yes. State Supreme Court in 1984 made it clear that lawyering covered. Short v. Demopolis.

3. Impacts public interest. Law has changed in this area. Today, after the Hangman decision, the required impact on public interest is determined by the trier of fact from several factors depending upon whether the transaction was a consumer transaction or a private dispute.

4. Plaintiff injured in business or property;

Does not include mental distress, embarrassment, and inconvenience without money loss.

Injury does not need to be large but must occur.

5. Causation The injury must be caused by a violation of CPA. This is inconsistent with deceptive act or practice with capacity to deceive. However, AG does not need to prove causation to enforce CPA.

Brainstorm with students what aspects of unfair and deceptive sales practices are relevant for teaching high school seniors. Ask students what perspectives high school students will bring to the discussion? (as consumers and businesspersons.)

Setting objectives:

Identify unfair and deceptive acts

Identify consequences for involvement

Realize where help is available, through AG office

Encourage students to report unfair acts to AG's office and to FTC office.

Methods: Present a listing of acts (Handout 2) to determine whether or not unfair or deceptive. Do either as gut feeling of fairness or deceptive and critique as what law has determined to be fair/deceptive. Alternatively, present the definitions of unfair and deceptive to the high schoolers and have them apply to the hypotheticals. Identify that AG has option of enforcing the act with less burdensome requirements than private enforcers.

Answers to Handout 2:

______ 1. Jane joins a record club that requires that she buy five records during the year. She will receive a notice every month of the monthly record. In order not to receive and be obligated to buy that record, she must return the card within five days stating that she does not want to buy the record offered, or it will be automatically sent and billed to her. Jane failed to send in the cards and has received 12 records which the record club claims she must pay for.

1. Students are usually divided whether or not this practice is unfair. Because Jane knew the conditions of the contract before she signed, many require that she be bound by its terms. They are generally arguing that it was not a deceptive practice. I write "free will" on the board. Others believe that this puts too much of a burden on Jane, that five days is not realistic. I put "oppressive" on the board. Additionally, an astute student occasionally points out that Jane agreed to buy five so that at most her obligation is to buy five and not twelve.

______ 2.Ralph gets a flyer about an opportunity meeting to make a lot of money. He goes to the meeting and discovers that he must make an initial financial investment which buys him the right to recruit others into the program. When he joins, he will get money for each person he recruits to join. The new recruits must invest in the business.

2. Again many students feel that this arrangement is fair and not deceptive. He understood the terms. The fact that he is acting out of his own self interest seems to justify the program. Those who think it is unfair typically shout out "pyramid scheme," which of course is what it is. I ask students why pyramid schemes should be illegal, why are they unfair? How do they differ from Amway? The reality that most who invest in these schemes never recover any money is the basis for declaring them unfair trade practices. Amway has a product involved which distinguishes it from schemes where the money is made only from recruiting new members.

The three requirements of a pyramid scheme are (1) an investment to get the right to recruit; (2) when recruit another, individual gets consideration; and (3) new recruits must invest to get the right to recruit and receive consideration.

______ 3.Terry and Ann see an ad for "freight damaged dining room tables on sale for $300." They go to the store where Al explains that the damaged tables have been sold. However, they do have dining room tables for $600 in stock.

3. To avoid bait and switch problems and deceptive advertising problems, the store must have either indicated in the

advertisement that a limited supply of freight damaged tables were on sale or the store must have on hand a reasonable supply to meet the anticipated demand.

______ 4. When Terry and Ann arrive at the store to buy this freight damaged table, Al shows them the table for $300. He also suggests that a much nicer one is available for $600.

4. Whether or not this is a bait and switch depends upon whether or not Al has a bona fide intention of selling the first table. Sellers are permitted to sell up.

______ 5. Kim's Sales offers a free 1 carat emerald to anyone who comes to their one-hour presentation on condominiums. Marvin goes to the presentation and is subjected to high pressure sales tactics to buy a condominium. He resists and leaves with a low quality one carat emerald worth $2.00.

5. Most students will argue that again Marvin got what he paid for, that there was no deception. Others may argue that the reasonable expectation is for a higher quality emerald and that he was deceived. In some contexts, high pressure sales tactics in and of themselves have been declared by the legislature to amount to unfair trade practices.

______ 6. New Age Encyclopedia representative comes to Tom's home and interviews him about his beliefs in education. As a result of Tom's answers, New Age agrees to place an encyclopedia in his home at no cost. Tom's only obligation is to pay for annual supplements at $50 each for the next ten years. Tom must pay for these ten supplements ($500) in advance.

6. Many students will be concerned that the company may go out of business before Tom ever gets the ten supplements he has paid for. Students need to ask what the cost of an encyclopedia is. In this case the entire encyclopedia with supplements cost less than $500. This was a phony contest and an unfair and deceptive act.

______ 7. Rodney goes to a beef outlet store after seeing an ad for beef at a low price. He orders 100 lbs. of beef and the meat dealer asks, "Do you use a lot of fat? You don't by any chance make your own soap, do you?" Rodney says no and the dealer than encourages him to buy better quality, more expensive meat.

7. Students are usually divided on this question, many feeling that Rodney could make up his own mind whether or not to purchase the beef. The State Attorney's Office enjoined several beef outlet stores in Washington for this bait and switch practice. It was clear from the questions that the seller had no bona fide intention of selling the low priced beef.

STREET LAW: CONSUMER PROTECTION

The Consumer Protection Act, R.C.W. 19.86.020 reads: "Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful."

The State Attorney General has authority to enforce present and future violations of the Consumer Protection Act. To do so, the Attorney General must prove:

1. unfair or deceptive act or practice
2. within trade or business
3. which impacts public interest.

The remedies in Attorney General enforcement actions include:

1. injunction against present or future violations of the act;
2. civil penalty of not more than $25,000 for violation of injunction;
3. restitution to consumer victims of any money or property, real or personal, acquired by the CPA violator;
4. $2,000 civil penalty for each violation of CPA; and
5. costs and reasonable attorney's fees.

A private right of action was created by R.C.W. 19.86.090. In early cases, persons were required to prove same three criteria required in Attorney General suits.

1. unfair or deceptive act or practice
2. within conduct of trade or commerce
3. impacts the public interest.

Hangman added two additional requirements:

4. injury to plaintiffs in their business or property
5. causation.

Successful private enforcers have these remedies.

1. Injunctions of present and future violations.
2. Violation of injunctions can be enforced by private litigant and AG. Maximum civil penalty for private enforcer is $10,000.
3. Actual damages.
4. Court has discretion to triple award not to exceed $10,000.
5. Costs and reasonable attorney's fees.

1. Unfair or Deceptive Acts or Practices
    a. Unfair acts and practices require
        (1) consumer injury;
        (2) offends public policy as established by statutes, common law industry practice or otherwise; and
        (3) immoral, unethical, oppressive, or unscrupulous.
    b. Deceptive Act or Practice: Any trade practice that has the tendency or capacity to deceive a substantial portion of the public is actionable.
2. Trade or Commerce defined to include sale of assets or services and any commerce directly or indirectly affecting people of Washington State.
3. Impacts Public Interest.
4. Injury. Plaintiff must be injured in business or property.
5. Causation. The injury must be caused by a violation of the Consumer Protection Act.

UNFAIR OR DECEPTIVE ACTS?

Decide for each situation described below whether the merchant's actions are unfair or deceptive. If you think that you cannot say unless you have more information, state what information you need.

______ 1. Jane joins a record club that requires that she buy five records during the year. She will receive a notice every month of the monthly record. In order not to receive and be obligated to buy that record, she must return the card within five days stating that she does not want to buy the record offered, or it will be automatically sent and billed to her. Jane failed to send in the cards and has received 12 records which the record club claims she must pay for.

______ 2.Ralph gets a flyer about an opportunity meeting to make a lot of money. He goes to the meeting and discovers that he must make an initial financial investment which buys him the right to recruit others into the program. When he joins, he will get money for each person he recruits to join. The new recruits must invest in the business.

______ 3.Terry and Ann see an ad for "freight damaged dining room tables on sale for $300." They go to the store where Al explains that the damaged tables have been sold. However, they do have dining room tables for $600 in stock.

______ 4.When Terry and Ann arrive at the store to buy this freight damaged table, Al shows them the table for $300. He also suggests that a much nicer one is available for $600.

______ 5.Kim's Sales offers a free 1 carat emerald to anyone who comes to their one-hour presentation on condominiums. Marvin goes to the presentation and is subjected to high pressure sales tactics to buy a condominium. He resists and leaves with a low quality one carat emerald worth $2.00.

______ 6.New Age Encyclopedia representative comes to Tom's home and interviews him about his beliefs in education. As a result of Tom's answers, New Age agrees to place an encyclopedia in his home at no cost. Tom's only obligation is to pay for annual supplements at $50 each for the next ten years. Tom must pay for these ten supplements ($500) in advance.

______ 7.Rodney goes to a beef outlet store after seeing an ad for beef at a low price. He orders 100 lbs. of beef, and the meat dealer asks, "Do you use a lot of fat? You don't by any chance make your own soap, do you?" Rodney says no, and the dealer than encourages him to buy better quality, more expensive meat.

C3. Exercises to Sensitize Law Students to Communication Difficulties and Suggest Ways of Overcoming Them (PBB)

1. "Personal Experience"

Few recognize the extent to which people invest verbal labels with meaning drawn from personal experience. For example, if people are told that another was "on holiday", understanding of the term is likely to be heavily influenced by holidays that the individual has taken. When the speaker's conception of "holiday" does not match a listener's (and usually it will not, since personal experiences are individually unique), a gap in communication occurs.

Such gaps are relatively unimportant in everyday life. But when a law student discusses, say, "due process", experiential deficiencies become more pronounced. The meaning of due process for a law student is drawn from such experiences as reading cases, engaging in class discussions and taking exams. Almost certainly, attempting to define a term such as due process, using of course still more verbal symbols, cannot communicate the experiential basis of understanding.

To help students understand the pervasive role of personal experience in understanding, mention a familiar topic - movies or restaurants. One student makes a declarative statement about that topic to another student - e.g., "Italian restaurants tend to be expensive." The listener states whether s/he agrees or disagrees with the assertion, and briefly explains why. In turn the listener then makes an assertion to a third student, and the exercise concludes after each student has made and responded to an assertion.

Almost without exception, the students' reasons for agreeing or disagreeing will be based on personal experience. For instance, a student who hears the above assertion about Italian restaurants may respond, "Are you kidding? Luigi's, a pizzeria, is the cheapest spot in town." And in the absence of experience, a student may be rendered unable to respond: "I'm sorry, I've just never eaten in an Italian restaurant."

Another exercise, which draws attention to the role of personal experience in understanding, places students in pairs and asks them to interview each other briefly -- perhaps five minutes each. Tell them to seek their classmate's opinions and feelings on a variety of personal concerns, such as, "How has law school affected your personal relationships?" or "How do you feel about your career plans?" The exercise would not work as well if the questioner asks only about factual information, e.g., "What courses are you taking this semester?" After each student has interviewed another, each conveys what s/he has learned to the rest of the class.[1]

Following the reports, the students should then be asked how they reacted as their interviewer spoke to the class. Typically, students state that, although their interviewers did not misstate data, neither did they adequately capture "the whole truth." After class discussion, students realize that their sense of incompleteness stems largely from the limitations imposed by language. Their opinions and feelings are too rich and rooted in multiple experiences to be captured adequately by a few minutes discussion. Further distortion is produced when interviewers try to capture what they have learned without any sense of the experiences that lie behind the verbal labels. At the end of the discussion, students should be asked how these same distortions might arise when as law student or lawyer they attempt to teach law to high school students or to clients or jurors.

2. "Invisible Discourse"

A different exercise may help students to understand the extent to which legal terminology is rooted in legal culture. Since laypeople (high school students, clients, etc.,) are likely not to have been exposed to legal culture, they often do not see the shadings of meaning that lawyers see. For example, it has been pointed out that Eskimos have at least eighteen different words to describe snow, and that the Navajo have three distinct ways of saying that it is raining.[2] Snow is important to Eskimos, and rain to the Navajo, so their cultures have developed verbal symbols to convey what to outsiders may be meaningless distinctions.

This exercise helps law students understand that the legal culture produces language which enables lawyers to see differences that laypeople may not. Law students are put in teams of two or three.[3] The class is told that, "An auto accident occurred in which a red car struck a blue one. The owner of the red car is legally liable for damages."

The instructor then asks the student teams to list as many ways they can think of that the owner of the red car is liable for damages. The more obvious liability labels for the driver of the red car that the students will produce include negligence, gross negligence, hit and run, and drunk driving. Some will mention more esoteric possibilities, in which the owner is not the driver: employer liable because of employee's negligence while driving within scope of employment; parent liable because parent loaned car to child and child drove negligently (gross negligently, etc.); owner loaned car to person who was intoxicated.

Even these do not exhaust the field. Perhaps the owner is liable for leaving the red car unlocked with the keys in the ignition, and a thief came along, stole it, and collided with the blue car. Other scenarios may also be identified. The point is that few of these scenarios will be familiar to laypeople, who tend to think of "liability" in more global terms. The legal system breaks down global concepts into successively finer distinctions, and produces labels for each. The labels then help lawyers to see the distinctions that may be as indistinguishable to laypeople as forms of snow are to people living in the tropics.

3. "Allness"

"Allness" refers to people's tendency to see things as always true or always false, when often the real truth lies in between. To explore this tendency, the instructor states a simple proposition which many laypeople are likely to accept as true. The proposition may be, "It is illegal to kill another person." The instructor asks the law students, again in teams, to make a list of exceptions to the proposition. They will probably include insanity, self-defense, failure of the prosecution to prove guilt beyond a reasonable doubt, killing an enemy during war, death penalty, and perhaps others in their exceptions.

This exercise may alert law students to how they have been trained to see exceptions to broad statements. Discussion afterward may focus on some of the implications of laypeople's tendency to seek global answers versus lawyers' tendency to look for exceptions.

For example, students and clients get frustrated when lawyers seem unable to give "straight" answers to what they see as simple questions. The client who asks a questions such as, "Can't I just force my neighbors to trim their trees?" is unlikely to appreciate an answer that begins, "Now, that depends...." Law students experience many of the same frustrations when they ask questions in law classes. The problem, typically, is not that lawyers or law professors are intentionally evasive. The problem is that due in part to allness, the questioner wants an unconditional answer to a conditional situation.

4. "Blocks"

The oral nature of teaching-and, often, of the practice of law-is a further inhibitor of accurate information. Studies indicate that most have learned about 85% of everything they know visually. Both quantitatively and qualitatively people learn best when they see; they are quite inefficient as learners when they hear information.[4]

Yet, both in teaching and in the practice of law, people tend to employ the spoken word to transmit knowledge. Lawyers interview clients, and often instruct them orally as to how the law affects their situations. They lecture or engage in oral dialogues with students. Whatever the merits of this behavior, it is likely that a listener's ability to learn and understand is less in an oral context than it would be in a written one.

The "Blocks" exercise is an effective, entertaining and visual method of demonstrating the superiority of visual to oral learning. The technique requires two sets of children's blocks ("Blockhead" contains small blocks in assorted shapes and colors and is ideal). The instructor begins by asking one student to build a structure, and a second to look at the structure and to copy it as it is being built. In this visual mode, the exercise moves swiftly, and the structures are typically identical.[5]

Then, the instructor passes the blocks to two other students. One builds a new structure out of sight of the other student. The builder describes what s/he is building, and based on that oral description the copier tries to duplicate the structure. Learning is symbolized by the copier's ability to duplicate the structure. Typically, the oral mode of "teaching" produces errors in copying, and the process consumes appreciably more time. The exercise leads naturally to a discussion of how both in teaching and practicing law, one should look for opportunities to gather and present information visually.

5. "Charades"

The purposes of most of the exercises thus far discussed center around alerting law students to potential "no-fault' problems in communications and asking them to think about how to overcome them. An exercise that forces students to try to overcome these problems is based on the familiar game of Charades. The game forces students to communicate information without using words. By analyzing what they did, students develop insights into methods of communication that they may use instead of or in addition to the spoken word.

The class is split into two halves. A student from Team A draws a slip of paper from a hat, and through the exclusive use of physical gestures tries to "teach" the other team members whatever phrase is written on the piece of paper. Legal phrases, such as "proximate cause", "last clear chance", and "clear and present danger", work well with law students. After Team A guesses the phrase, Team B has a go. Two tries per team are usually more than sufficient to demonstrate the purpose of the exercise.

As is usually the case when discussion is based on personal experience, students are able to develop many of their own ideas about communication after this exercise. For example, they may mention how difficult it is to communicate abstractions such as "proximate" without using words, which are themselves abstractions. They often realize how communication is facilitated when they break down larger terms ("proximate") into smaller ones ("prox" and "mate"), and then find analogies for certain terms ("rocks" for "prox").

They may notice how positive feedback (becoming excited, shaking head up and down, gesturing with hands, smiling) encourages more participation by the rest of the students. And they are likely to point out their use of culturally agreed-upon "shortcuts", such as tugging at the ear to indicate that a certain word "sounds like" part of the phrase.

A moment's reflection indicates that few of these communication techniques are limited to the silent world of Charades. Analogy is a standard legal reasoning technique: most of us are encouraged when a listener responds positively to what is said, whether the listener be a classroom teacher or a lawyer conducting an interview.

Attorneys use "shortcuts" to communicate regularly. Indeed, legal abstractions are really little more than verbal shortcuts, and as noted above, abstractions can block communication unless speaker and listener have a similar base of experience. Students should be encouraged, perhaps through hypotheticals, to realize the extent to which the communication techniques they used in Charades are available when they teach and when they practice law.

Endnotes

1. The instructor will have 'Mirandized' the students by warning them ahead of time that whatever they say might be revealed to the rest of the class.

2. Myers, Dynamics of Human Communication.

3. Often, exercises using teams can be performed by each student individually. However, law schools ought to promote joint student efforts and having students do classroom exercises in teams is one small step in this direction.

4. In the days before people came to rely so heavily on writing for the transmission of information, it may be that people

learned more efficiently in oral settings. Much ancient folk history, for example, was transmitted by songs. The dominance of writing since the time of Plato has perhaps eclipsed our former oral abilities.

5. The students need not use all the blocks. In fact, once past the age of seven, it is difficult to use them all without toppling a structure.

D. Materials for use in teaching about teaching

D1. Tips For Using Small Groups

by National Institute for Citizen Education in the Law Staff
Revised by Grayfred B. Gray, University of Tennessee College of Law

1. Make sure the students have the knowledge and skills necessary to do the work. (If they don't, you'll know in a hurry; they won't stick to the task.)

2. Make the instructions to the group very clear. It is unlikely that the group will be able to follow more than one or two instructions (even clear ones!).

3. Allow enough time to complete the assigned task in the small group. Think creatively about ways to occupy groups that finish ahead of other groups.

4. Form groups of from two to five students. Have only two or three when a complicated written product is the intended outcome. Five is probably the optimal upper limit for small group discussion.

5. In striking a balance between independent and cooperative learning, don't force the issue. Use small groups only for tasks that call for cooperative work (i.e., not independent work around a small table).

6. Make small group work a norm in your classroom, not a radical, once-in-a-lifetime departure from "lecture and recite".

7. Think about how your reward or evaluation strategy affects the use of small groups. Be able to provide group rewards for group efforts.

8. Be explicit in dealing with management issues within the groups. If someone must report back to the class on the group's work, be sure there is assignment of or a process for selecting the reporter.

9. Be prepared for the noise level which occurs during cooperative learning activities.

10. In forming groups, don't stigmatize students. Heterogeneous groups are usually desirable.

11. By all means circulate and observe and evaluate what is occurring in the groups. When you stop to visit a group, don't take it over. Think about your role in such a situation.

D2. Value Lines: A Controversial Issues Methodology

by National Institute for Citizen Education in the Law Staff
Revised by Grayfred B. Gray, University of Tennessee College of Law

The value lines method, or at least significant portions of it, can be used in treatment of the following types of controversial issues: corporal punishment, capital punishment, abortion, and affirmative action quotas in hiring.

1. Take a stand

The instructor draws a line across the chalk board and prints a brief version of the polar positions at each end of the spectrum (e.g., for corporal punishment, for prohibiting corporal punishment). A limited number of students are asked to take a physical stand along the spectrum by positioning themselves where they believe their position on the issue falls.

2. Clarify your position

Each student is asked to explain or clarify (but not at this point to defend or give reasons for) the student's position. Students should be encouraged to move to take different relative positions along the spectrum as they listen to each other's clarified positions. Once this process ends, the remaining students may be asked whether the participants are lined up correctly according to their positions. This may require a further clarification of positions.

3. Give reasons for your position

This activity seems to work best when each student in the class writes down his or her position on the issue and the two most compelling reasons for the position before a selected number of students actually take a stand (step #1, above). Teachers may want to write on chart paper or another chalk board the reasons that are given by the participants who are standing.

4. Rank the reasons against your position

We want to ensure that students listen to and consider opposing points of view. Here we ask each student for the counter-argument that gives them pause, makes them think twice, gets under their skin, is most persuasive, etc.

5. Consider the consequences of alternative policy choices

Identify the existing law or policy, if it exists, on the issue being considered. Then discuss what impact the polar positions presented on the spectrum would have on society as a whole, on individuals, etc. This can be done by the entire class. Participants may return to their seats.

Teacher Training Issues

1. At what point in the study of a particular issue should this method be used?

2. What role should the teacher play? Does the teacher provide his or her opinion? If so, when?

3. What if all students line-up on the same side of the spectrum? Does the teacher have the obligation to play devil's advocate?

4. May students choose to opt out of discussions regarding particularly sensitive issues?

5. What citizenship skills are developed by this activity?

D3. Action Verbs For Instructional Objectives

by National Institute for Citizen Education in the Law Staff
Revised by Grayfred B. Gray, University of Tennessee College of Law

1. KNOWLEDGE: cites, defines, describes, identifies, lists, matches, names, points out, recalls, relates, repeats, rephrases, reports, states, tells, writes

2. COGNITIVE PROCESSES:

   a. Classifying: arranges, associates, catalogs, distinguishes, groups, labels, orders, organizes, outlines, places, rearranges, reorders, sorts, structures

   b. Interpreting: composes, converts, defines, enacts, explains, illustrates, interprets, paraphrases, presents, renders, restates, simulates, states in own words, summarizes, transforms, translates

   c. Comparing: cites, describes, differentiates, discriminates, distinguishes, points out

   d. Generalizing: composes, constructs, derives, develops, expresses, forms, formulates, generates, produces, proposes, relates

   e. Inferring: deduces, develops, derives, draws, extends, extrapolates, fills in, formulates, generates, presents, proposes

   f. Analyzing: analyzes, breaks down, differentiates, divides, experiments, extracts, identifies, illustrates, inventories, lists, outlines, points out, questions, relates, separates

   g. Synthesizing: assembles, composes, constructs, combines, creates, depicts, derives, designs, develops, devises, formulates, illustrates, integrates, makes, organizes, prepares, plans, produces, puts together, proposes, synthesizes

   h. Evaluating: appraises, argues, assesses, chooses, criticizes, decides, describes, evaluates, explains, grades, judges, justifies, measures, ranks, rates, rejects, scores, states worth of, validates, weighs

3. AFFECTIVE PROCESSES: advocates, acclaims, approves, believes in, chooses, defends, demonstrates, expresses, opposes, praises, prefers, reacts positively or negatively toward, recommends, rejects, selects, supports

4. SKILLS: carries out, completes, constructs, draws, executes, interprets, locates, measures, performs, puts into practice, shows, translates

D4. A Checklist For Preparing Courses by Grayfred B. Gray, University of Tennessee College of Law

This is a slowly evolving checklist which began with readings in Robert F. Mager and Peter Pipe, Analyzing Performance Problems (1970). The checklist derives from an ecologically oriented model of behavior and a theory of learning which calls for careful educational planning by the instructor. This is a flexible checklist which is intended to be suggestive rather than exhaustive. Generally it will lead to important further questions to consider in planning a course.

Aside from mastery of one's own subject, to present an effective course the instructor needs to perform five functions before beginning the instructional process.

1. Defining The Education Problem Precisely.
2. Examining The Instructional Setting.
3. Setting Terminal Objectives For The Students.
4. Selecting Instructional Procedures.
5. Insuring That The Course Is Ready For Delivery.

I. Defining The Education Problem Precisely

A. Explore the problem to understand it

1. What is the problem I have been asked to remedy by education?

2. What event, if any, has called the problem to my attention?

3. Why do I think there is a need for education about the problem?

4. What is the difference between what is being done and what is supposed to be done? This is the performance discrepancy. There may be several such discrepancies.

5. What parts of the problem, if any, are so unimportant that it won't matter much if I ignore them?

B. Refine appropriate parts of the problem into an educational problem

1. In what ways, if any, does the performance discrepancy result from a skill deficiency?

2. Could the people exercise the skills before?

3. Are the skills in question used often?

4. In what ways, if any, does the performance discrepancy result from causes other than skill deficiency?

5. Precisely what are the performance discrepancies which result from skills that never were developed? These are candidates for educational development.

6. Precisely what are the performance discrepancies which result from infrequency of use? These may benefit from educational practice.

7. Which of the discrepancies listed in five and six are more important to remedy? Rank them in order based on the damage they cause.

8. Is there any reason for not attempting to remedy some of these discrepancies now?

9. List, in order of importance, the performance discrepancies to be addressed by education. State each item in terms of the desired performance and of the actual performance.

II. Examining the Instructional Setting

A. Consider the students

1. How many students are there?

2. What education have they had which is relevant to remedying the performance discrepancy?

3. What experience have they had which is relevant to remedying the performance discrepancy?

4. What are the students' expectations about the program of which my instruction will be a part?

5. Are their expectations changeable before my part of the program? After my work with them begins?

6. How much time will the students commit to remedying the performance discrepancies before and after we meet?

B. Consider the instructor

   1. What are my own resources by way of education, experience, and materials which are relevant to remedying the performance discrepancy?

   2. How much time do I have to prepare as an instructor?

C. Consider the learning environment

   1. What are the physical characteristics of the place in which I will be teaching?

   2. Does the place have any special features which may be useful to me? For example, video tape equipment, nearby courtroom, room dividers, trial in progress.

   3. Are there other events or attention getters with which I will be competing for the attention of the students? Is there any way I can use them educationally?

   4. What is the weather likely to be? What effects will it be likely to have on the students as learners?

   5. What time of day, week, and year will I be teaching? What effects will that be likely to have on the students as learners?

   6. What will the students have done in the program before my session with them?

   7. What will be ahead of them after my session?

   8. How much time will I have with the students?

D. Consider other resources

   1. Are there other individuals or organizations who will assist me?

   2. Are there other individuals or organizations who have dealt with these or similar performance discrepancies as educational problems?

III. Setting Terminal Objectives For The Students

A. Turn the performance discrepancies which I am to remedy as an educator into terminal objectives which can be evaluated for educational purposes.

1. What observable behaviors is a person likely to engage in when he is doing the job right? (That is without the performance discrepancy.) These are possible terminal objectives.
2. What observable behaviors, if any, is a person likely to have done to be able to do the job right? These are possible enabling objectives, means toward achieving terminal objectives.
3. How can I or the student tell when the student is successfully meeting the enabling and terminal objectives? If I can't say concretely how to recognize success, how can I re-state the terminal objectives so that I will be able to?

B. Select terminal objectives

1. Which of the terminal objectives can the students not meet? These are still possible terminal objectives. The remainder are not.
2. Which of the terminal objectives can be observed in an educational setting?
3. Which of the terminal objectives, which cannot be observed in an educational setting, can be simulated there in a way which permits reliable determination of success? State them as educationally observable terminal objectives.
4. Which of the terminal objectives are most critical to correcting the performance discrepancies?
5. Is there any reason for not attempting to pursue all of the terminal objectives? If so, which should not be pursued?
6. List, in order of importance, the terminal objectives to be pursued, noting whether a terminal or enabling objective. State the terminal objectives in a way which discloses how the teacher or student will be able to recognize success.

IV. Selecting Instructional Procedures

A. Identify the advantages of each of the available techniques for achieving each of the terminal objectives.

1. Which, if any, of these teaching techniques is impossible to use in the educational setting as a practical matter?

    Dramatization
    Games
    Field Trips
    Group Discussion
    Lecture
    Outside Assignments
    Panel Discussion
    Problems
    Role-Playing
    Seminar
    Simulation
    Socractic Dialogue
    Workshop

2. To what extent does each of the possible techniques enable the student to achieve the terminal objectives successfully as defined?

3. To what extent does each of the possible techniques enable the student to achieve the terminal objectives as they would be done on the job?

4. To what extent does each of the possible techniques enable the student to engage in the terminal objectives in an available amount of time?

5. To what extent does each of the possible techniques provide the teacher or student or both feedback as to whether the performance objectives are being achieved?

6. To what extent does each of the possible techniques engage the students in an active learning process?

7. Which, if any, of the following teaching devices is not useable in the educational setting as a practical matter?

Audio tapes
Chalkboards
Computers
Conference calls
Films Handouts
Exhibits
Photographs
Opaque projector
Overhead projector
Video tapes
Self-instruction
Slides

8. To what extent are the answers to questions two through six changed by the use of the available devices identified in question seven?

9. To what extent are the use of the techniques or devices hindered by administrative problems? For example, cost.

B. Identify feelings students are likely to have

1. What are the feelings students are likely to have while using each technique?

2. What effect are student feelings likely to have on achieving the terminal performance objectives?

3. How can student feelings be used to help achieve the terminal performance objectives?

C. Determine the sequence in which the terminal performance objectives are to be addressed

1. What sequence will move most from the general to the particular?

2. Which of the terminal performance objectives will be most interesting to the students?

3. Which of the terminal performance objectives are logically dependent on which others for attainment?

4. If the course is open to a premature end for some students, what terminal performance objectives are complete as units?

5. Which of the terminal performance objectives are most important on the job?

6. What sequence permits the student time to engage in the whole task at least once?

7. State the sequences in which it appears plausible to pursue the objectives.

D. Select the procedures to be used

1. What appear to be the more effective combinations of techniques and devices for achieving the terminal performance objectives in the chosen sequence?

2. Which combination of effective procedures can I carry out best? Not at all?

V. Insuring That The Course Is Ready For Delivery

A. Arrange for materials and devices to be used.

1. What materials are needed for the procedures?

2. What materials already exist? Where? What do they cost? How quickly can they be obtained?

3. How long will it take for the preparation of all other materials?

4. Where are the devices to be used? What do they cost? How quickly can they be obtained?

5. Are there any special arrangements to be made for use of devices or material at the educational location? What do they cost? How quickly can they be arranged?

B. Make assignments to others.

1. What tasks are to be assigned to what people?

2. Have the assignments been written?

3. Does each person who needs to know what someone else is doing have a copy of the latter's assignment?

4. Have I met with all persons who are co-instructors to plan the course in detail?

C. Set deadlines.

1. On what date must all preparation be completed?
2. Are there fixed dates or periods for accomplishing parts of the preparation?
3. What tasks must be complete, if any, before other tasks can be begun or completed?
4. What schedule permits the best preparation of materials and instructors with reasonable room to compensate for unavoidable problems?

D5. Handout materials on lesson planning and evaluation. Prepared by Georgetown University School of Law Street Law Clinic

ELEMENTS OF AN EFFECTIVE LESSON

1. Beginning a lesson - Anticipatory Set
    a. Focus the students' attention
    b. Provide tie with prior learning or students' lives
    c. Develop readiness for instruction
2. The objective and its purpose
    a. What the learner will be doing and why they will be doing it
    b. Communicate this to the class. It's not a secret.
3. Instructional Input
    a. The new information students are to acquire
    b. Focus on one point at a time
    c. Present varied and specific examples
4. Modeling
    a. Visual input accompanied by verbal input
    b. "Seeing" is better than "Hearing," "Doing is better than "Seeing"
    c. Students find out criteria for correct performance
5. Checking for Understanding
    a. Do students understand what they are suppose to be doing, and are they doing it at least at a minimum level
    b. Various types of responses: group, signal, private
    c. Sometimes it occurs with . . . .

6. Guided Practice

    a. Students practice their new knowledge or skill under teacher supervision

7. Summary

    a. Students state or write what they have learned from the lesson

8. Independent Practice

    a. Student can perform the task without serious errors or confusion

The Evaluation Process

1. Set objectives - the learner-centered outcomes of your instruction. Consult your unit plans and lesson plans for more details.

2. Set standards - the level of acceptable performance in demonstrating achievement of the objectives. Often referenced to a grading scale.

3. Select criteria - the facts and factors you will examine in reviewing your students' performance. What exactly should they do, and how well?

4. Develop instruments and techniques - the vehicles for assessing your students' performance. Tests, surveys, checklists, notes and so on.

5. Measure - administer the instruments and/or apply the techniques. Give the test, conduct the survey, check the list, take the notes, etc.

6. Analyze data - review the measurement outcomes against your performance criteria and standards. Grade the test, score the survey, tally the list, etc.

7. Publish results - record the evaluation results and disseminate to concerned parties. Supervisors, co-teachers, and the students should know your assessment of the students' performance, and the reasons therefor.

Notes:

A. Evaluation serves two critical purposes:

    1). it monitors student achievement and thereby serves as a guide for further instruction; and

    2). it identifies - to both instructor and student - the level of performance of each individual student.

B. To further these purposes, an effective evaluation design:

    1). regularly and systematically assess student progress toward achievement of instructional objectives.

        a). includes informal evaluation of every instructional objective;

        b). includes formal evaluation of all major/ultimate instructional objectives

2). employs a variety of measurement instruments and techniques that

    a). are appropriate to the objective

    b). that accurately measure what is intended to be measured.

3). ensures that both the instructor and the student recognize the extent of each student's achievements as well as the student's deficiencies.

D6. Suggestions For Lesson Planning by Grayfred B. Gray, University of Tennessee College of Law

The Unit Plan is the teacher's place for thinking on a large scale and figuring out what the Terminal Objectives are to be. It then is the source for those objectives which appear in the Lesson Plan in which the teacher records how the class will be conducted to achieve the objectives.

Terminal Objectives (TO's) are observable behaviors that a person can perform who can achieve the goals of an instructional unit. TO's are distinguished from intellectual objectives such as "knowing" which are unobservable. TO behaviors are described best when they lend themselves to reliable measurement and imply the criterion of evaluation of the performance.

Enabling Objectives (EO's) are behaviors which contribute cumulatively to the learner's ability to perform the Terminal Objectives. They may include completion of an assignment, ability to define terms, or other small scale behaviors.

It is important that a Lesson Plan (LP) include:

Terminal and enabling objectives
Overview of how the evening will proceed.
Introduction to each topic.
Questions you will ask.
Evaluation criteria: what to look for to measure whether students are achieving objectives.
Teacher's individual role at all times.
Summary--a wrap up of each topic.
Breaks for students and teachers.
Time to be allotted to each activity.
Equipment needed.
Materials needed, numbers.

In a good LP there will be an introduction to:

(1) The real situation in the world about whose laws students will learn. The introduction may be accomplished by, for example, asking them to draw on their own experience, films, skits, hypotheticals, lectures, or relating experiences of the instructors.

(2) The legal rules applicable to the situation and their possible outcomes.

(3) Application of the rules to the situation.

(4) Evaluation of the desirability of the rules.

E. Lesson plans for Introduction to Law

E1. Georgetown University School of Law Street Law Program

THE SHIPWRECKED SAILORS-1974

In January 1974, the Sadie and Edgar, an auxiliary-powered Newfoundland sailing schooner set sail from Connecticut on a voyage to Florida. The crew consisted of Captain LaBrecque and his wife, the First Mate and three young men. Also on board was the Captain's dog, Hap, a 70 pound Labrador retriever. The LaBrecques were on their way to Florida and a new life of semi-retirement. The three young men were recent high school graduates and were off on an adventure.

On January 28,1974 the sky was dark and the seas were choppy. As the weather deteriorated, the ship began to take on water. The bowsprit snapped and the vessel began to take more of a pounding from the waves. The lights dimmed and the engine began to sputter. Two lifeboats were launched, one a sixteen foot fiberglass runabout which all six people boarded and the other an eleven foot wooden skiff. Within a short time the runabout capsized and all six people and the dog were thrown into the water.

There was a scramble to board the wooden skiff and the LaBrecques, the first mate and the dog Hap ended up in the boat. The three crew members were in the water hanging onto the skiff throughout the night. No attempt was made to rotate, with the persons in the boat exchanging places with those in the water. Nor was there any attempt to throw the dog overboard. The crew members in the water asked repeatedly to be rotated into the boat because the water was so cold but the captain answered that there was no room in the boat and rotation would capsize it. Since the ship had no ship-to-shore radio the only distress signals available were flares.

By morning two of the three crew members in the water had died. The third crew member then pulled himself into the boat and remained there until the Providence Getty, an oiler tanker, rescued them around noon.

Eventually, Captain LaBrecque was brought to trial and charged under the following statute:

(a) Involuntary manslaughter is the unlawful killing of a human being without malice...in the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States...

1. Should Captain LaBrecque be charged with involuntary manslaughter?

2. As an attorney for Captain LaBrecque, what arguments would you make on his behalf? As an attorney for the state, what arguments would you make on the state's behalf?

3. If the Captain is convicted what should the punishment be?

4. What purpose would be served by punishing Captain LaBrecque?

5. What is the relationship between law and morality in this case? Was the Captain's action morally wrong? Why or why not?

6. Can an act be legal but immoral? Can an act be morally right but unlawful?

F. Lesson plans for Criminal Law

G. Lesson plans for Juvenile Court Law

H. Lesson plans for Torts

I. Lesson plans for Consumer Law

I1. An Example of How to Write a Lesson Plan for a High School Class.

Margaret Armancas-Fisher, University of Puget Sound School of Law

LESSON: CONSUMER LAW (pp. 103-115, 118-133)

TIME: ONE TEACHING DAY

I. GOALS: Studying Consumer Law helps students:

A. Understand how to act if faced with a consumer problem.

B. Think of themselves as consumers with protected rights when purchasing goods or services.

C. Make purchases in ways to prevent later problems.

II. OBJECTIVES:

A. Knowledge Objectives - As a result of this class, students will be better able to:

1. define consumer and contract.

2. state at least two reasons for and two reasons against legal protection for consumers

3. identify federal and state agencies that protect consumers.

B. Skills Objectives - As a result of this class, students will be better able to:

1. negotiate a contract with protection for themselves.

2. take steps to remedy consumer problems, from letter writing to suing in small claims court.

3. document their consumer transactions in order to make best uses of existing consumer help agencies.

4. avoid consumer problems.

C. Attitude Objectives - Students will be better able to feel:

1. that the law is positive and protective.

2. that preventive actions by the consumer can prevent problems later.

III. CLASSROOM METHODS

A. Brainstorm definition of consumer -- One who purchases goods/services from another for personal use.

B. Ask students if anyone has been a consumer today. Students may report buying bus tickets, candy, sodas, etc.

C. Inform students that they are all consumers and that they are involved in making contracts when they purchase good or services.

D. Brainstorm and write elements of a contract on the board.

E. Roleplay: Ask two students to roleplay a negotiation for the sale of two tickets to a Michael Jackson concert at the Tacoma Dome. The seller want $75 per ticket and the buyer wants to spend $50 maximum per ticket.

Assign the class to observe and decide at what point, if at all, a contract is formed. Have students apply each of the contract elements to the roleplay.

F. Inform students that there are federal and state laws which have enforcement agencies that prohibit merchants from misleading or deceiving consumers.

Brainstorm reasons for these protective agencies and laws:

1. Parties not at arms' length
2. Seller more info on goods/services
3. Seller has more resources during negotiations

Ask students if there are any arguments against having consumer protection laws.

1. Seller must sell wares & laws hamstring sellers
2. All know sales techniques anyway
3. Consumers gain advantage not based on individual
4. No government role in private contracts
5. Seller can avoid law, so just more paperwork

G. Ask student if they have ever had a problem with a purchase. If so, explain to class. Identify what remedy was taken and what could have been taken.

H. Do Problem 3

I. Do Problem 5 as evaluation.

J. Plan Small Claims Hearing for next class.

IV. EVALUATION

A. Student performance of Problem 5 and class answers to debriefing of roleplay.

V. ASSIGNMENT

A. Write letter for Tubman's in Problem 5

B. Assign students to roleplay small claims mock trial for next class

END OF LESSON PLAN

I2. David Laigaie, Temple-LEAP law student/teacher, lesson plan for use in fall 1989 high school class

Contract Formation

A contract, whether written or oral, must have the following three elements in order to be valid and enforceable in a court of law:

1. **OFFER**

    A promise to do or give something in exchange for something in return.

    example: "I promise to give you my radio if you let me ride your bicycle."

2. **ACCEPTANCE**

    A statement or action which definitely indicates that the person wishes to agree to the offer. The acceptance must agree with all the terms of the offer.

    example: "I agree to let you ride my bike if you give me your radio."

3. **CONSIDERATION**

    This is the thing of value which is to be exchanged under the terms of the offer. Consideration may be money, goods, work, or some other action.

    example: "The radio and the ability to ride the bicycle provides the consideration in this example."

Remember that consideration does not always have to flow from one person to the other. Therefore the nephew's forbearance from smoking, drinking, and gambling was ruled to be valid consideration to support the uncle's promise to pay the nephew $5,000 on his twenty first birthday.

USE OF WRITTEN CONTRACTS

The Statute of Frauds requires that certain contracts be put into writing. If not covered by the statute of frauds, a contract is binding even if it is only verbal. Of course, the problem of proving that a contract exists, or what the terms of the contract are, makes it advisable to write out all but the simplest contracts.

The Statute of Frauds generally covers the following types of contracts:

1. The sale of any goods whose price exceeds $500.
2. Any transaction involving real estate.
3. Any contract which includes any performance to take place more than one year from the signing of the contract. (For example if I promise an eighteen year old that I will buy him a car on his twenty-first birthday if he stays out of trouble, the Statute of Frauds requires that contract to be in writing in order to be valid and enforceable).

VOIDING CONTRACTS WHICH ARE PROPERLY FORMED

Sometimes contracts which have a valid offer, acceptance, and consideration are not enforced by the courts. Usually this is because the judges think it would be unfair to enforce the contract for some reason. The most common theories used to void these otherwise valid contracts are as follows:

1. Contract is for an illegal activity -- the court will never enforce a contract which obligates someone to do an illegal activity. Therefore if you pay someone to steal your car (so you can collect the insurance premiums) and he doesn't steal it, you can't go to court and make him do it.

2. The contract was entered into by a minor -- The court wants to protect minors from obligating themselves to things which they might not understand. Of course, a minor is obligated to uphold contracts which are for necessities; Otherwise minors would have a hard time living a normal life.

3. Mutual Mistake -- when both parties to a contract were mistaken about the deal, the contract is voidable. Example: If a person sells a radio, thinking it is an expensive model, to a person who also thinks the radio is of good quality and the radio turns out to be a cheap imitation, then the purchaser can have the contract voided.

4. Fraud -- When a party to a contract intentionally misleads the other party. Example; a person sells a radio, knowing it is a cheap imitation, and tells the purchaser that it is a genuine, expensive radio.

5. Duress -- When one party forces the other party into agreeing to a contract. This usually is done through force ("Sign the contract or I'm going to bust you in the head."), but it also can be done through psychological or emotional pressure ("If you don't sign this agreement I will use a voodoo spell to jinx your entire family").

Contract Formation and Avoidance Lesson

Objective: Teach the basic concepts of offer, acceptance, and consideration. Show that all three elements are needed to make a valid contract. Explain some reasons why a contract which was validly formed might be invalidated by the court.

Procedure:

1. A lecture explaining the concept of offer, acceptance, and consideration is a useful starting point. The depth of these descriptions depends, of course, on the level of advancement of the group.

2. Next, the Hamer v. Sidway problem offers the students a chance to try and apply what they have learned about the elements of a contract. This exercise can be conducted in any manner. I broke the class into groups of three -- one judge, and one attorney for each side. The judges listened to the arguments and then reported their decisions (tallied on the blackboard). The arguments put forth by the student/advocates were listed on the board and discussed with the class.

3. Then I gave a lecture, supplemented with many examples, describing the various methods of voiding a validly formed contract.

4. After these lessons I gave out the handout describing contract formation and avoidance and told the students they were going to have a test in the following class period.

5. After the test, I went over the questions with the students. The whole lesson took four classes.

Observations: The test answers are somewhat self-evident from the handout provided to the students. I allowed the students to use the handout for the test (an open book exam) and tried to ask questions which would make them apply what they had learned. Some students did remarkably well, and I feel like a good portion of the class came away with a basic conception of contract formation and avoidance. The trick in making it an enjoyable exercise is to minimize the amount of lecturing, and to try and teach with examples that the students can relate to.

GOOD LUCK!!
Dave Laigaie Fall 1989

CONTRACTS: FORMATION AND ENFORCEMENT

Please answer all questions on a separate piece of paper. Explain the reasoning behind each of your answers.

1. Joe agrees to take the trash out each week and his mother agrees in return to let him stay out until midnight on weekend nights. Is this a valid contractual agreement? If so, what is the consideration received by each party?

2. Thomas celebrates his seventeenth birthday by buying a car from Reliable Used Cars. He explains to the salesman that the money is well spent because he needs the car to drive to work each day. Two months later Thomas can no longer afford the car and wants to return it to Reliable. The car dealer refuses to take the car back.

   a) What argument(s) can Thomas use to try and get out of the agreement?

   b) What counter argument can the car dealer make?

3. Charles needed money to pay for a trip to go see his girlfriend, LaToya, who had recently moved with her family to California. Charles estimated he needed $550 for the trip. He offered to sell his extensive record collection and expensive stereo to Cheryl (who was rich) for $550. Cheryl replied that she would be very interested if the record collection included plenty of jazz albums. Charles assured Cheryl that his collection included a lot of jazz labels, even though he knew that his collection was mostly rap music. Cheryl agreed to the deal. Since she was going out of town for a week, she gave Charles the money right away, with the understanding that he would deliver the stereo and records the following day. Both Charles and Cheryl are over eighteen years of age.

   a) Assume that before Charles left for California Cheryl came back and found few jazz albums in the collection. Can she get her money back and give Charles back his stereo and albums? What argument(s) should she make?

   b) Assume LaToya dumps Charles before he leaves for California. He wants his records and stereo back. Can he force Cheryl to give back the albums if she found out she likes rap music

Hamer v. Sidway

A wealthy man wanted to keep his nephew from leading a life of sin and debauchery. On his nephew's eighteenth birthday the uncle offered to pay the nephew to live a clean life. The conversation went as follows.

Uncle: Nephew I am worried that you will waste your life, so I am willing to give you $5,000 on your twenty first birthday if you refrain from drinking, smoking, and gambling until you are twenty-one years old.

Nephew: I sure could use the money. How about if I just stop drinking and gambling and you give me $3,500?

Later in the evening the uncle re-approached the nephew (who was smoking a big, smelly cigar):

Uncle: I will give you $5,000, but only on the condition that you quit smoking, drinking and gambling until your twenty-first birthday.

Nephew: Alright. But you should allow me to smoke cigars.

At the nephew's twenty first birthday, the uncle refused to pay the $5,000 even though the nephew had not smoked, drunken, or gambled since his eighteenth birthday.

QUESTIONS

1. Is there a valid contract between the uncle and nephew?
2. If so, what is the offer? What is the acceptance?
3. What consideration is exchanged?
4. Are there any reasons that society should be willing to uphold this type of contract? What are these reasons?and is happy with the deal?

J. Lesson Plans for Family Law

J1.* Richard Abbott and Carla Taylor, University of Tennessee Student Instructor Team in the College of Practical Law, Lesson Plan Materials for a Structured Controversy in Family Law

J. Lesson plans for Family Law

J1.* Richard Abbott and Carla Taylor, University of Tennessee student Instructor Team in the College of Practical Law, lesson plan materials for a structured controversy in family law

Problem Number 7
FAMILY PROBLEMS
TOM AND SANDY REVISITED

UNIVERSITY OF TENNESSEE COLLEGE OF LAW - FALL 1989
CARLA TAYLOR - RICHARD ABBOTT

THE FACTS

Note: This problem is a continuation of problem number 2. During the first ten years of married life, Tom and Sandy's situation changed considerably. Tom graduated from his MBA program with honors. After graduation, he turned down an attractive offer in his home state to move with Sandy to Tennessee, the state where Sandy's parents lived. Sandy graduated from the same law school her mother attended, and after graduation, she went to work for her mother's firm. By their tenth anniversary, Tom earned a gross income $24,000 per year while Sandy earned a gross income of $48,000. Tom's career had suffered because he had stayed home with the children when they were young. It also suffered because of some health problems he experienced.

In addition to their respective incomes, Tom and Sandy had a significant amount of property. A couple of years after the move to Tennessee, Sandy's parents had died and left her a considerable amount of property. Sandy sold her condominium and purchased a $135,000 home which the couple owned jointly. Along with the home, they owned separate accounts at the bank, and one joint checking account. Tom also made some money in the stock market by investing the couple's joint earnings. Tom had a new sports car while Sandy owned a van. The couple shared a home computer. Both Tom and Sandy were in debt for the home and cars. They protected these investments with insurance. They also had life insurance policies on each other and health insurance for the whole family. They used joint credit cards.

By the end of their first ten years as husband and wife, Tom and Sandy's family included two children, Alice, age eight, and Timmy, age six. Both Alice and Timmy are in private school. Tom and Sandy both devoted considerable time to caring for the children, and they split many household duties as well.

Unfortunately, work, children, community activities, and other commitments took almost all of Sandy and Tom's time. They had little time for each other, and as a result, they began to grow apart. Talking with each other became increasingly difficult, and emotional closeness seemed a thing of the past. They criticized each other regularly and had several loud arguments in front of the children.

Shortly after the couple's tenth anniversary, Sandy met Mark on a business trip. Sandy was immediately attracted to the handsome, charismatic businessman. He reminded her of Tom when Tom was ten years younger. Sandy had a weekend affair with Mark while in New York. When she returned home, she confessed the affair to Tom. At first, Tom seemed to forgive her. As time passed, however, he became increasingly bitter. One day, a few weeks after the confession, Tom exploded. He broke some of the furniture and threatened to strike Sandy. Sandy was terrified that Tom would hurt her, but he did not carry through with his threat. Instead, he ran upstairs, packed his bags and left the house.

Tom got an apartment near their home. He came by every evening to see the children but refused to forgive Sandy and did not give her any regular support payments. Two or three times, he did give her some money when she requested it. He also started to drink on weekends and was convicted of drunk driving. Both Tom and Sandy began to think of a formal separation or a divorce.

TASKS

Task # 1 Three alternatives to settling a dispute in court are negotiation, mediation, and arbitration. With negotiation, the parties to the dispute discuss the problem among themselves and attempt to reach a conclusion acceptable to everyone. Mediation uses a neutral middle person to help the parties settle their differences. Mediators do not impose a decision upon the parties. With arbitration, both parties to the dispute agree to have a neutral third party make their decision for them. Unlike the mediator, the arbitrator imposes a decision upon the parties.

What are some of the advantages and disadvantages to using these three alternatives to litigation for resolving Tom and Sandy's dispute? What about cost? Could these alternatives save money? What if you try mediation and it doesn't work, could the failure of mediation increase the expense? The legal system is an adversarial process. Could the use of these alternatives reduce the negative feelings associated with separation or divorce? If children are involved, the parties will have to cooperate even after a divorce becomes final. What kinds of impacts could negotiation, mediation, arbitration, and litigation have on future cooperation? What if a lawyer played the role of mediator, should she or he be allowed to represent either Tom or Sandy in the future? What if physical abuse is involved, could a nonadversarial process give too much power to the abuser? Both Tom and Sandy have significant incomes. What if one party was economically dependent upon the other? Could a nonadversarial process give too much bargaining power to the spouse with an external source of income? [Take about ten minutes to discuss these questions in your groups. Elect a reporter to present your group's decisions. Each group will have three minutes to present their conclusions.]

Task # 2 Tom and Sandy are considering a separation. In Tennessee, a husband and wife can make a formal separation agreement concerning such things as spousal support, division of property, and the custody and support of minor children. Tennessee also grants a bed and board divorce which terminates a couple's right of cohabitation while preserving the other rights and duties of marriage. Role play the mediation of a separation agreement for Tom and Sandy. One person should play the role of a mediator. Another should represent Sandy's interests. A third person should represent Tom's interests.

Mediation involves the following steps: 1) an introduction and explanation of the ground rules; 2) a telling of the story by each party to the dispute; 3) an identification of agreed-upon facts and issues; 4) an identification of alternative solutions; 5) a discussion and revision of the alternatives; and 6) the formulation of an agreement. [Take 15 minutes to mediate an agreement and to write the agreement on paper. The mediator will present the agreement to the class. Also pay attention to how this mediation might affect the parties feelings toward one another. The person representing Tom's interests should be prepared to report how Tom might feel while the person representing Sandy's interests should be prepared to report how Sandy might feel.]

Task # 3 The attempt to mediate a separation agreement failed. Tom thought that he might want a reconciliation, but Sandy filed for divorce. Does Sandy have a grounds for divorce? Does Tom? [Let one subgroup argue that both Tom and Sandy have grounds for divorce. Let the other subgroup argue that no grounds exist. Prepare your arguments and present those arguments in your group. Next, reverse roles and argue the other side. Prepare to argue in front of the class. Each side will have three minutes to present their arguments.]

Several grounds for an absolute divorce exist in Tennessee:

1. The defendant was impotent at the time of marriage and incapable of procreation;
2. Either party entered into a second marriage without divorcing;
3. The defendant committed adultery [It is a defense to adultery that the other plaintiff condoned or forgave the adultery];
4. The defendant willfully or maliciously deserted the other or was absent without a reasonable cause for more than one year;
5. The defendant has a criminal conviction which renders him or her infamous [drunk driving does not render one infamous];
6. The defendant was convicted of a felony which results in a sentence of confinement in a penitentiary;
7. The defendant made a malicious attempt on the life of the other spouse;
8. The defendant refused to move to Tennessee and willfully absented his/herself from the other for two years;
9. The wife was pregnant by another man at the time of the marriage without knowledge of the husband;
10. The defendant is habitually drunk or abuses drugs and the habit was contracted after the marriage;
11. For two or more years, both parties have lived in separate residences, have not cohabited as man and wife, and have no minor children;
12. Two years have passed since a bed and board divorce without reconciliation and;
13. The couple has irreconcilable differences. [This is a no fault divorce that requires a written agreement of the parties.]

In addition, either a bed and board divorce or an absolute divorce can be granted on the following grounds:

1. The defendant's cruel and inhuman treatment makes cohabitation unsafe and improper;
2. The husband renders the wife's condition intolerable by indignities and forces her to withdraw and;
3. The husband abandons or turns out his wife and neglects to provide for her.

Task # 4 Should either party pay alimony? [Take five to seven minutes to answer this question. Be prepared to present your answer to the class.]

Alimony Alimony is generally temporary and justified as rehabilitation, not a permanent right. Alimony payments can be made in a lump sum or periodically. Periodic payments may be suspended or reduced if the party receiving payments begins to live with another adult. Factors to consider in awarding alimony are: earning capacity, financial resources, education and training, length of marriage, age and health of the parties, the undesirability of the custodial parent working outside the home, property owned by the parties, the division of marital property, the standard of living of the parties during marriage, contributions to the marriage or to the education and training of the other party, relative fault of the parties, and other relevant factors.

Task # 5 How should the marital property (defined below) be divided? [Take five to seven minutes to answer this question. Be prepared to present your answer to the class.]

Marital Property All divorces require the equitable division of the marital property. Marital property includes real and personal property that has been acquired by either or both spouses during the marriage and is presently owned by either or both spouses. This definition only applies when property is being divided for the purpose of divorce. It does not apply to gifts and inheritances.

Factors to consider in the division of marital property include but are not limited to: the length of the marriage; the health of the parties; their earning capacity; their financial needs; their contribution to the education of the other party; their contribution to the marriage as homemaker, wage earner, or parent; the property owned by each party at the time of marriage; and the economic circumstances of each party at the time the property is divided.

Task # 6 What about child custody and child support? [Take about ten minutes to answer this question. Be prepared to present your answer to the class.]

Child Support Either parent may be compelled to pay child support. Guidelines for child support are based upon a flat percentage of net income of the noncustodial parent depending upon the number of children to be supported. The guidelines were developed for ease of administration and for application to a majority of cases. However, unique circumstances may require a different determination on a case by case basis. With two children, the guideline is 32 percent of net income. A gross monthly income of $2,000 per month would give net income of $1548.00 after taxes. This suggests a child support award of $495.36 per month. A gross monthly income of $4,000 leaves a net after-tax income of $2829.00. This suggests a child support award of $905.28. The guidelines are designed to be a minimum base for determining child support obligations.

Child Custody Tennessee courts have authority to award custody of minor children to either parent or to both or to some suitable person. The courts also retain power to make any modifications in a custody decree as may be necessary. In making the custody decision, the courts are concerned with the best interests of the child. [See attached statute.]

Task # 7 Tom and Sandy were divorced. They received joint custody of Alice and Timmy. Two years after the divorce, Sandy wanted to marry Mark and move to New York with the children. Tom could not accept this arrangement. He wanted custody of both children. Tom hired a private investigator who produced photographs of Mark talking with a known drug dealer. A business associate of Mark stated that he is addicted to cocaine. Mark denied that he uses any illegal drug, although he admitted that he drinks heavily on occasion. Sandy accused Tom of being a drunk. Tom replied that he was a recovering alcoholic who has not touched a drink in over a year.

A psychologist who examined Alice and Timmy said that a change in the custody arrangement will be a difficult adjustment for both children, particularly Timmy. Timmy has experienced difficulty in adjusting to the divorce, and the prospect of moving to New York frightens him. He is afraid of leaving familiar surroundings and is very attached to his dad. Alice, on the other hand, wants to move to New York. She is very close to her mother. The psychologist believes that the children should not be separated from one another but is not sure which parent should receive primary custody.

Tom and Sandy could not resolve their disagreement over the custody of Alice and Timmy. Assume that the marital property was divided relatively evenly and that Tom's income is now $30,000 while Sandy's is $50,000.

Divide your group into two subgroups. Let one subgroup argue the Tom should have custody of the children. Let the other subgroup argue that Sandy should be awarded custody. Prepare your arguments and present them to the other members of your group. Elect two attorneys to make a closing argument before the class. One attorney will represent Tom and the other will represent Sandy. Each argument will be limited to three minutes. The class will choose the best argument for each side using the closing argument score formula.

Tennessee Code Annotated (Supp. 1989) §36-6-101(a)

In a suit for annulment, divorce or separate maintenance, where the custody of a minor child or minor children is a question, the court may, notwithstanding a decree for annulment, divorce or separate maintenance is denied, award the care, custody and control of such child or children to either of the parties to the suit or to both parties in the instance of joint custody or shared parenting, or to some suitable person, as the welfare and interest of the child or children may demand, and the court may decree that suitable support be made by the natural parents or those who stand in the place of the natural parents by adoption. Such decree shall remain within the control of the court and be subject to such changes or modification as the exigencies of the case may require.

(d) It is the legislative intent that the gender of the party seeking custody shall not give rise to a presumption of parental fitness or cause a presumption in favor or against the award of custody to such party; provided, however, that in the case of a child of tender years, the gender of the parent may be considered by the court as a factor in determining custody after an examination of the fitness of each party seeking custody.

Chancery court has jurisdiction of divorce actions, and has the authority to decree custody of minor children under the control of either of the parties. The grant of custody can be to one or both of the parties, or to some suitable agency or person, as the welfare and interest of the minor children may require. Lentz v. Lentz, 717 S.W.2d 876 (Tenn. 1986).

"Exigencies" as used in this section means new facts and changed conditions which have emerged since the decree which were not determined and could not have been anticipated by the decree. Smith v. Hause, 521 S.W.2d 49 (Tenn. 1975).

Until it be shown that neither parent is a suitable custodian, it is improper to consider entrusting custody to a nonparent. Bush v. Bush, 684 S.W.2d 89 (Tenn. Ct. App. 1984).

K. Lesson Plans for Housing Law

K1. David Laigaie, Temple-LEAP Law Student/Teacher, Lesson Plan for Use in Fall 1989 High School Class

LANDLORD TENANT NEGOTIATION EXERCISE

Objective: To fortify the concept that the terms of a lease are negotiable at the time of entering into the lease. To provide an opportunity for students to develop some negotiation skills.

Procedure:

1. This exercise was done following a lecture about the basic landlord-tenant relationship and the rights and duties of both parties.

2. The class should be broken into groups of four. Each group should have two landlords and two tenants.

3. The tenants should be told that they are highly motivated to rent this apartment because they liked it the most of any of the apartments they have looked at.

4. The landlords should be told they are very anxious to rent to this couple because they currently have a lot of unrented apartments and they consider this couple to be very good prospective tenants.

5. Each side should be given their list of expected lease terms and told not to disclose the contents of their list to the other side.

6. Give the students about fifteen minutes (or as long as is needed) to negotiate the different terms of the lease.

7. Have the teams write the agreed upon terms of the lease on the lease form provided, and sign the lease.

8. Compare the different leases and see which terms the landlord was willing to give in on and which terms the tenants gave up more frequently. Characterize each lease as being pro-landlord, pro-tenant, or substantially equal between the parties.

Observations: The students did not like to compromise their positions even though I repeatedly reminded them that both sides were anxious to come to terms. One group made no deal and I made expansive mention that neither side got what it wanted, but that if a landlord is hard to deal with before signing a lease, he/she would probably be impossible once the agreement is formalized.

GOOD LUCK!! Dave Laigaie Fall 1989

LANDLORD

Assume you are a landlord and want to rent your apartment. The following are the terms you would like to include in the lease, however you have a lot of vacant apartments and need to get some tenants. You would like to rent an apartment to these two people, because they have good credit ratings and steady jobs. Your apartments are all pretty nice, clean, and in safe locations. You want the leases to include:

1. Rent of $425 to $450 per month. Other apartments in the same location and of similar size are being rented for $375 to $450.

2. A lease with a two year term is desired, but shorter leases are possible.

3. A two month security deposit.

4. No pets. (even though some of your tenants have cats and small dogs you would prefer to restrict all future tenants from having pets).

5. You want to rent the apartment "as is" and not want to paint the apartment or replace any of the rugs. You do notice, however, that the paint in the apartment is kind of faded.

6. The rent should be able to be increased every six months. There should be no limit on how much you can raise it.

TENANT

Assume you are looking for a nice, clean, safe place to live. You really like the apartment that the landlord has shown you but want the following terms in the lease:

1. A term of between 6 mos. to 1 year, although you expect to stay in the apartment longer than that, you are concerned that your employer will transfer you to another city.
2. You want to pay from $350 to $400 per month.
3. One month's security deposit.
4. You would like to get a pet, either a small dog or a cat. The lease should allow for these animals.
5. The apartment needs a paint job and a new carpet in the hallway. You want these repairs done before you move in.
6. The landlord should not have the ability to raise the rent during the term of the lease. If he can raise the rent, the total amount of the increase should not exceed $25 per month.

LEASE AGREEMENT

On this ____ day of October, 1989 ______________________ (Landlord), agree to rent to __________________________ (Tenant) the apartment known as #101 Bok Gardens Apartments. This lease is subject to the following provisions:

1. Rental payments in the amount of ______ dollars per month are payable on the first of each month.

2. The lease is for a term of _____ months.

OTHER PROVISIONS:

SIGNED:

________________________________ ________________________________

________________________________ ________________________________

LANDLORD TENANT

L. Lesson plans for Individual Rights

L1. A Temple University/LEAP lesson plan.

THE FIRST AMENDMENT
Establishment Clause

"Congress shall make no law respecting an establishment of religion..."

- it was referred to by Thomas Jefferson as a "wall of separation between church and state."
- Three part test to determine whether a law or statute violates the Establishment Clause:
    1. The law must have a secular purpose (define secular).
    2. The primary effect of the law must neither advance nor inhibit religion.
    3. The operation of the law must not foster excessive entanglement of government with religion.
- Basically the Establishment Clause prohibits the government from enacting laws aiding one particular religion over all religions.

Free Exercise Clause

"Congress shall make no law...prohibiting the free exercise thereof...

(religion)

- though the Free Exercise Clause protects an individual's right to worship as they choose, it does not protect actions based on religious beliefs that violate important governmental interests, e.g., bigamy, human sacrifice, murder, etc...

The Lesson

Materials:

Role play cards - each card describes a person who follows a particular religion and wishes to petition the government for permission to take a specific action.
Preclass: Ask 5 students in the class to read over the cards and play the roles on the cards.

Prepare class:

1. Begin the discussion about why these two clauses are within the constitution at all.

   History: Primarily Protestant Christians came to the New World because they were persecuted in Europe for their own religious beliefs. Europe at that time was strongly Catholic and hostile to Protestants even to the point of putting them to death. Even in England, which was by the Church of England, the government was intolerant to those outside the Church. Many of the people occupying America at the time were fleeing prosecution, jail and even death for their religious beliefs. They felt strongly enough about the effects of religion on their new government to incorporate into the Constitution the First Amendment.

Activity...Play Hangman to go over the history

2. Have the five students, each in turn, petition the government. Each petitioner should stand in the front of the room. The rest of the class should be told that they are the government counsel and that they must either approve or deny each of the requests.

3. Have each student present his case one by one and discuss each issue with the class after the student has presented his/her case. Ask one or two students from opposing sides why they voted the way they did for each case. Be sure to reinforce whether it is the Establishment Clause or Free Exercise Clause.

4. The Roles

   Moslem: The issue at hand is whether bigamy will be allowed as a religious exercise?

   According to the Moslem holy book, the Koran, you are legally and spiritually allowed to have four wives. The conflict comes because you wish to do something which your religion allows but which the laws of the country forbid.

   You are petitioning the government as a citizen who wishes to take a second wife. You claim protection under the 1st Amendment's Freedom of Religion Clause to take a second wife.

   Hindu: The issue at hand is the right to die/suicide.

According to you religion, if your husband dies before you, you are required to be burned alive along with your husband on his funeral Pyre. The law of this country forbids you from sacrificing yourself in such a way even though you feel that as an act of love and devotion it is your religious duty to do this act. (Research a more modern case Euthanansia) You are petitioning the government as a citizen to allow you to be burned along with your husband. You claim protection under the 1st Amendment's Freedom of Religion Clause to commit this act of solemn devotion.

Amish: The issue at hand is whether the government interest in requiring minors to attend school until age 18 or until they have completed grade 12 outweighs a religious requirement to study the Bible.

As a member of the Amish religious community you are required to leave school for 2 years from ages 14 to 16 to study the Bible. Your religious community makes it compulsory for those of your faith to study the Bible between these ages. The state, on the other hand, requires you to attend a secondary school during the time your community sets aside for study of the Bible.

You are petitioning the government to be excused from school for these years claiming that the 1st Amendment's Freedom of Religion Clause allows you to exercise this aspect of your religion over the state interest of requiring you to go to school.

Jehovah's Witness: The issue at hand is whether a person may be required to participate in an activity which their religion forbids but which many feel is a national obligation.

You are a Jehovah's Witness. Each day at the beginning of school you are required to pledge allegiance to the flag. Your religion considers this a form of idolatry and strictly forbids it.

You are petitioning the government to be excused from this activity because it violates your religious principles and therefore, violates the 1st Amendment 's Freedom of Religion Clause.

Jew: The issue at hand is whether the government has violated the Establishment Clause by requiring that schools begin each day with the reading of the New Testament of the Bible.

As a Jew, you believe in the Old Testament (Torah and the Prophets) of the Bible. You do not believe in the New Testament of the Bible. You find it an offense to your religion to be required to read from a Holy Book which you do not recognize. You feel that by reading only from the New Testament the state is, in effect, establishing a religion.

You are petitioning the government to stop this activity because it seems that the government is favoring one religion over another in violation of the 1st Amendment's Freedom of Religion Clause

5. Outcome of the petitions

   1. The Moslem may not take a second wife. Reynolds v. U.S.
   2. The Hindu may not be burned alive with her husband.
   3. The Amish children are allowed to leave school for those years. State of Wisconsin v. Jonas Yoder.
   4. The Jehovah's Witnesses do not have to salute the flag. Minersville v. Gobitis (1940).
   5. Reading of the New Testament only does violate the Establishment Clause.

M. Lesson Plans for Employment Law

N. Sample Teaching Materials

O. Sample Forms and Letters for Use in Street Law Programs

O1.* Sample Contract Between Law Students and Cooperating Teachers in the Youth and the Law Project of St. Louis University School of Law

AGREEMENT FOR PARTICIPATION IN THE LAW-RELATED EDUCATION SEMINAR CONDUCTED BY SAINT LOUIS UNIVERSITY SCHOOL OF LAW

The Saint Louis University School of Law and St. Louis Public Schools Law and Education Project started the Youth and Law Project in 1970, with funding from the National Street Law Institute in Washington, D.D. This project was one of only three in the country chosen to participate in and receive funds from the national program. It is now funded by a private grant.

The teacher and law student participants in this project are parties to the agreement and have certain rights under the program and certain responsibilities to the program and to each other.

1. The collaboration of law student and teacher is a collaboration between professionals each with special expertise. Law students and teachers shall cooperate fully. The teacher shall remain in the classroom while the law student is conducting class and shall be active in the class at that time. Active includes asking questions,stimulating responses and controlling the noise level. Constant interruptions by and misbehaving from high school students will not be tolerated and should be controlled by the teacher. It is not the law students' job to control behavior. The law student shall discuss with the teacher the material and assignments to be discussed in class in order to coordinate it with the teacher's classes.

2. The law students and the teachers shall exchange home telephone numbers, business telephone numbers, and emergency telephone numbers upon their first meeting. The law student shall contact the teacher as soon as possible, and at least by the night before, if the law student will not be able to conduct class. If proper notice is given to the teacher an absence will be considered excused. ANY unexcused absence on the part of the law student will result in expulsion from the project at the discretion of the instructors.

The teacher must notify the law student as soon as possible or at least the night before, of any changes in schedule for the class. Failure to do so may result in disqualifying the teacher from participation in the project in the future. The teacher is to make every effort to contact the law student when a test, field trip, or other project or lesson plan is scheduled and the law student will not be needed that period. If the teacher is unsuccessful in reaching the law student, then the teacher should contact the instructor, (telephone number provided) and inform her of the schedule change.

3. The teacher and the law student participants shall attach hereto a schedule for each including holidays, schedule changes, teaching time, etc. Any field trips or special activities planned by either party shall be added to this schedule as the semester progresses. Any changes shall be added to this schedule. Law students shall teach two classes per week for nine weeks, beginning by the second week in February.

Any disputes that may arise during the course of the year should be resolved between the teacher and the law students themselves, if possible. Final interpretation of this instrument shall lie with the instructors.

Date__________________________ Signed

____
Teacher

____
Law Student

4 copies
1 to teacher, 1 to law student, 1 to each of 2 law school instructors

(End of contract)

O2.* Form for Observation of Law Student Teachers Used at University of Puget Sound School of Law

Names of Law Students

________________________________ ________________________________

Date of observation______________Proposed grade_____________

A. Quality and Quantity of Instruction

-Statement of objectives
-Motivation of class
-Appropriate directions for starting tasks
-Opportunities for students to practice new skills
-Material covered in sufficient depth
-Organization
-Pace of lesson
-Gestures and body placement
-Voice
-Control of nervousness
-Appropriate response to students' questions
-Appropriate use of teaching methods
-Ability to communicate
-Rapport with students
-Classroom control
-Improvement of teaching over semester
-Accuracy of legal knowledge
-Use of current, localized information
-Development of new strategies
-Use of community resources
-Variety of teaching techniques used
-Handling of classroom problems

B. Balanced Selection and Presentation of Illustrative Material and Management of Controversy

-Solicited injustice and identified remedies
-Balanced and realistic material
-Controversial issues appropriately handled
-Sensitivity

C. Active participation and student interaction

-Adequate foundation before activities
-Teaching methods properly structured
-Broad based selection of students

D. Evaluation

-Check for understanding

-Accomplished stated objectives

E. Team teaching effort

-Cooperation
-Roles played

F. Professionalism

-Ability to take direction from a supervisor
-Ability to communicate with other professionals

G. Administration

-On time to classes
-Fulfilled agreed upon obligations
-Complied with school regulations

03. sample certificates for law and high school students

The University of Tennessee College of Law

Knoxville, Tennessee

To All Persons to Whom These Presents May Come, Greetings

This Certifies That

from
South-Young High School

Has Faithfully Completed the Requirements Prescribed for

The Tennessee Family Law Course
in
The College of Practical Law

In Testimony Whereof, This Certificate is Awarded
on Behalf of
The University of Tennessee College of Law

November 8, 1988
Date

Marilyn V. Yarbrough
Dean of the College of Law

Grayfred B Gray
Director
College of Practical Law

04. Temple/LEAP Form for Student Instructors Communication and Planning

TEMPLE LEAP STUDENT INFORMATION FORM

As soon as your class schedule is firm, please complete this form and return to room 406. Include any other regular committments such as your work or organizational meetings.

NAME____

ADDRESS____

____

PHONE #____

ARE YOU: 2nd Year_____ 3rd Year_____ 4th Year_____

SSN________ DAY or EVENING

Do you have a work study grant?__________ What amount?__________

CLASS SCHEDULE:

TIME	MONDAY	TUESDAY	WED	THURS	FRI
Morning					
8-9					
9-10					
10-11					
11-12					
1-2					
2-3					
3-4					
4-5					
5-6					
Evening					

DO YOU HAVE A CAR? YES__________ NO__________

ADDITIONAL INFORMATION/REQUESTS:

O5. Temple/LEAP Form for Student Instructors Communication and Monitoring Record

PLEASE COMPLETE THIS FORM WITH THE INFORMATION REQUESTED:

Your Name: ______________________________

Your Address: ______________________________
____

Your Phone: ______________________________
Year in School: ______________________________

School Where You Are Teaching: ____________________

Address: ____________________
____

Phone #: ____________________

Name of Co-teacher: ____________________
Home Phone # of Co-teacher: ____________________
Social Studies Department Head: ____________________
Principal: ____________________

Days You Teach: ____________________
Time You Teach: ____________________
Room # of Your Class: ____________________
Name of Your Course: ____________________

Are there any tricks to getting into the school?
____
____

WE WILL COMPLETE THIS SECTION:

Observed by: ____________________
Date Observed: ____________________

Date Met with Department Head: ____________________

Date Met with Principal: ____________________

Team Teacher: ____________________
Date of Team Teaching: ____________________

Outline: ____
Certificates: ____
Evaluations: ____

___ Student
___ Cooperating Teacher
___ Law Student

P. List of Printed, Visual, and Audio Materials Available Through NICEL

Q. Bibliography of Printed Visual, and Audio Materials Available through Other Sources, e.g., Update, Preview (With Addresses)

R. Teaching Law to the Public: Catalogue of Law School Projects

S. Addresses of National Resources, e.g., ABA YEFC, CRF, NCPC

T. Articles on Law School Programs

U. Articles on the Street Law Program and NICEL

V. Articles on the Philosophy of LRE

W. Characteristics of LRE Programs That Have Been Institutionalized